

***United States Court of Appeals
for the Second Circuit***



**SUPPLEMENTAL
APPENDIX**

ORIGINAL
WITH PROOF
OF SERVICE

75-7646

UNITED STATES COURT OF APPEALS

for the

SECOND CIRCUIT

GEORGE RIOS, et al,

Plaintiffs-Appellants,

-against-

ENTERPRISE ASSOCIATION STEAMFITTERS LOCAL 638 OF U.A., et al,

Defendants-Appellees,

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff-Appellant,

-against-

ENTERPRISE ASSOCIATION STEAMFITTERS LOCAL 638 OF U.A., et al.

Defendants-Appellees.

ON APPEAL FROM A JUDGMENT OF THE UNITED STATES
DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

SUPPLEMENTAL APPENDIX

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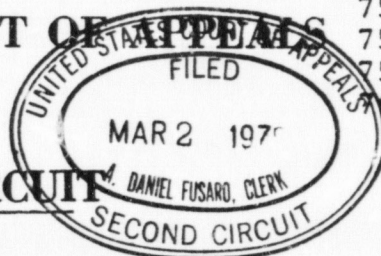
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TESTIMONY AT HEARING ON PRELIMINARY INJUNCTION (71 Civ. 2877),
11-26-71

1 gws Mulligan-direct 23

2 THE COURT: All right.

3 Q When the union receives an application from a
4 man to become a member of the A branch, either a B man or
5 a non-union man, when they process this application in
6 the method you described, do they give him a pipefitting
7 test or a welding test, a practical test?

8 A Not at this present time.

9 Q Have they done that for the last ten years?

10 A No.

11 Q Have they given him a written test?

12 A No, sir.

13 Q Have they done that for the last ten years?

14 A No, sir.

15 Q Mr. Mulligan, Local 638 is a member of the United
16 Association of Journeymen and Apprentices of the plumbing
17 and pipefitting industry; isn't that correct?

18 A That's correct..

19 MR. HARRIS: Will you mark this.

20 (Government's Exhibit 2 was marked for
21 identification.)

xx 22 Q Mr. Mulligan, I show you Government's Exhibit
23 2 for identification and ask you if you have ever seen this
24 before (handing)?

25 A (Examining) Oh, yes.

TESTIMONY AT HEARING ON PRELIMINARY INJUNCTION (71 Civ. 2877),
11-26-71.

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1 ecbr 2 Mulligan-direct

2 Q First I asked was that a correct statement at
3 the time that Mr. Murray made it in 1966?

4 THE COURT: You can answer that, sir.

5 (Pause.)

6 A I answered "that's right."

7 Q Is that a fair statement today with respect to
8 your policy about admitting members to the A branch?

9 MR. KAISER: Objection, your Honor.

10 THE COURT: I sustain the objection to that.

11 I will let him ask whether he would agree that Mr. Murray's
12 statement applies today.

13 Would it apply today?

14 THE WITNESS: Not altogether, your Honor. We
15 have a hundred non-whites working on permit at the present
16 time without any union books whatsoever. Now, there might
17 be some contractors down here testifying that they are
18 competent men, no doubt a lot of them are. I would have
19 no idea how many, but I say, as a labor union, I think we
20 should have a little something to say as to who comes into
21 our membership so far as moral character and so forth is
22 concerned.

23 We have agreed that any of these members that
24 are competent would be taken into the A branch or the
25 construction branch, as it is known.

TESTIMONY AT HEARING ON PRELIMINARY INJUNCTION (71 Civ. 2877),
11-26-71

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1 cobr 3 Mulligan-direct

2 Q Is it your testimony, Mr. Mulligan, that any of
3 the men to whom you just referred who have five years
4 experience in the pipe fitting industry and who is of good
5 moral character and who are working for employers who state
6 that they are qualified will or will not be taken in as
7 members of the A branch?

8 A I feel if they were proved to be competent, they
9 would have to be checked out and if they are of good moral
10 character, I imagine they would be taken into the union.

11 THE COURT: Don't imagine. So far as you are
12 concerned, if you checked them out and found they were of
13 good moral character and worked for five years and were
14 competent to do the job, it would be your view that you
15 could take them into the union?

16 THE WITNESS: Yes, sir, after the union had checked
17 up on them.

18 THE COURT: I understand that. You would check
19 into these qualifications, experience and the moral char-
20 acter?

21 THE WITNESS: Very true.

22 THE COURT: Having checked into it, then it would
23 be your view that they would be eligible for the A branch?

24 THE WITNESS: That is right.

25 Q Mr. Mulligan, is that your view or are you giving

TESTIMONY AT HEARING ON PRELIMINARY INJUNCTION (71 Civ. 2877),
11-26-71

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1 eobr 4 Mulligan-direct

2 the view of the union?

3 THE COURT: I asked for his view.

4 Q What is the policy of the union at this time?

5 A I think it would be the policy of the union.

6 Q Now, that policy is not identical to the policy
7 stated by Mr. Murray in 1966, is that correct?

8 MR. KAISER: Objection, your Honor.

9 THE COURT: I think this is a play on words.
10 I think Mr. Mulligan has already said that Mr. Murray's
11 statement as of 1966 wouldn't apply in every case today.

12 Isn't that what you said, roughly that?

13 THE WITNESS: That's right.

14 Q When was that policy changed?

15 A I wouldn't know exactly when.

16 Q Was there a formal resolution or an amendment
17 to the by-laws or an amendment to the union constitution
18 incorporating that change?

19 A No.

20 MR. HARRIS: I have no further questions, your
21 Honor.

22 CROSS EXAMINATION

23 BY MR. KAISER:

24 Q Mr. Mulligan, in answer to a question from
25 Mr. Harris, you stated that the men belonging to the

THE COURT: How many construction sites does

TESTIMONY AT HEARING ON PRELIMINARY INJUNCTION (71 Civ. 2877),
12-1-71

1 mpz-3 Kimmel-direct 151
2 your company engage in, or how many construction sites have
3 you got on hand at the moment?

4 THE WITNESS: Approximately ten.

5 THE COURT: Ten? All right.

6 Q Do some of the construction steamfitters that
7 you employ do welding?

8 A Yes.

9 Q Mr. Kimmel, are all of the construction steam-
10 fitters employed by your company certified welders?

11 A No.

12 Q Mr. Kimmel, in the past year, up until last
13 summer, how has your company recruited its construction
14 steamfitters?

15 A Generally, we kept a pretty stable work force,
16 moving steamfitters from one job to another job. When we
17 needed extra men, our foremen generally called friends
18 that they know or people that they know and ask for them,
19 and if that isn't sufficient, they generally call the
20 delegate for additional manpower, or the business agent.

21 Q These would be the delegates or business agents
22 of Local 638?

23 A 638.

24 Q In the past year, have there been sufficient
25 members of the A branch of Local 638 to perform all the

TESTIMONY AT HEARING ON PRELIMINARY INJUNCTION (71 Civ. 2877),
12-1-71

1 mpz-5 Kimmel-direct 153

2 THE WITNESS: Yes.

3 THE COURT: I see. Thank you.

4 Q Has your company expended substantial overtime
5 funds as a result of this situation?

6 A Yes.

7 Q How many foremen does your company employ at
8 these construction sites, approximately?

9 A There's at least one foreman on every job site,
10 and there are some deputy foremen on each site.

11 Q Are they members of the A branch of Local 638?

12 A Yes.

13 Q Mr. Kimmel, are you familiar with the group of
14 one hundred workers, non-white workers who were placed
15 on jobs last year under the program of --

16 THE COURT: Did you know about this?

17 A Yes.

18 Q Are any of these minority workers employed by
19 your company?

20 A Yes.

21 Q Are they presently performing any construction
22 work?

23 A Yes.

24 Q Does your company now employ any members of the
25 B branch of Local 638?

TESTIMONY AT HEARING ON PRELIMINARY INJUNCTION (71 Civ. 2877),
12-1-71

1	gag 12	Alvord-direct	170
2	sworn, testified as follows:		
3	DIRECT EXAMINATION		
4	BY MR. GLASSMAN:		
5	Q	Mr. Alvord, were you subpoenaed to testify?	
6	A	I was.	
7	Q	By whom are you employed?	
8	A	Alvord and Swift.	
9	Q	How long have you been employed by that company?	
10	A	35 years.	
11	Q	What is your present position with Alvord?	
12	A	President of Alvord & Swift.	
13	Q	Could you describe the nature of your company's	
14		business?	
15	A	We are mechanical contractors installing heating,	
16		ventilating and air conditioning systems in office build-	
17		ings, schools and so forth.	
18	Q	Approximately how many construction sites do you	
19		have?	
20	A	I would say about ten.	
21	Q	Do you employ members of Local 638?	
22	A	Yes.	
23	Q	Approximately how many do you employ at the present	
24		time?	
25	A	I think there are about 150.	

TESTIMONY AT HEARING ON PRELIMINARY INJUNCTION (71 Civ. 2877),
12-2-71

1 JGP 11 Tracey - cross

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2 business agent at large?

3 A I am in charge of the business agents.

4 Q Could you explain a little more what that means?

5 They report to you?

6 A Well, I supervise them.

7 THE COURT: How many business agents are there, sir?

8 THE WITNESS: Twelve.

9 THE COURT: Twelve business agents. And they are
10 in geographical areas?

11 THE WITNESS: Various areas, right.

12 THE COURT: And how regularly do you come in con-
13 tact with them in the course of your duties?

14 THE WITNESS: Well, we meet quite often relative
15 to various situations. Executive board meetings -- they are
16 always at the board meetings.

17 Q Are you a member of the executive board?

18 A Yes.

19 Q -- of the union?

20 A Right.

21 MR. HARRIS: May I have a minute, your Honor?

22 THE COURT: Certainly.

23 (Pause.)

24 Q Mr. Tracey, are you on the committee of the union
25 that Mr. Mulligan spoke about, that reviews applications for

TESTIMONY AT HEARING ON PRELIMINARY INJUNCTION (71 Civ. 2877),
12-2-71

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1 JGP 12 Tracey - cross

2 membership in the A branch?

3 A Yes.

4 Q How long have you been on that committee?

5 A I would say about fifteen years.

6 Q Mr. Mulligan testified that people made this appli-
7 cation by writing a letter.

8 A Yes.

9 Q Is that correct?

10 MR. KAISER: Your Honor, I object to this line of
11 questioning as improper cross.

12 THE COURT: I will let him answer the question. I
13 think Mr. Mulligan did testify about this, and I will let
14 Mr. Tracey answer the question.

15 I think he said, these people make applications, and
16 you review them; is that right?

17 THE WITNESS: Yes. They send a letter in. Some
18 appear before the executive board.

19 THE COURT: The applicants appear before the board?

20 THE WITNESS: Some, yes. Mostly, I personally like
21 them to appear before the board.

22 THE COURT: Do you give them any kind of a test?

23 THE WITNESS: No. No test.

24 THE COURT: No test? It is looking them over
25 and getting their experience?

TESTIMONY AT HEARING ON PRELIMINARY INJUNCTION (71 Civ. 2877),
12-2-71

1 JGP 13 Tracey - cross 486

2 THE WITNESS: They relate their experience, what
3 their connection was, what they worked at and what they could
4 do -- things like that.

5 Q Does the committee in any way inquire what the
6 man's employers may think of his qualifications?

7 MR. KAISER: Your Honor, I don't think he can
8 answer that question.

9 THE COURT: He is a member of the board. As a
10 member of the board, he can indicate whether the board ever
11 checks with the man's employers, or the people the applicant
12 says were his employers.

13 THE WITNESS: I can only tell you what I do.

14 THE COURT: All right.

15 A I size a man up, look him over, and I make some in-
16 quiries of my own. I check up what he tells me. I may call
17 up the foreman on jobs that he worked with or any other
18 area that he may give as a recommendation and ask them, "Is
19 this true that this man can do this?" And in some cases I
20 may even send him out to give him a practical test on the
21 job.

22 THE COURT: How long is the process of passing on an
23 application, in your experience, sir? How long does it take?
24 You receive the application; then you have the interview and
25 you reach a decision, I suppose.

TESTIMONY AT HEARING ON PRELIMINARY INJUNCTION (71 Civ. 2877),
12-2-71

1 JGP 14 Tracey - cross 487

2 THE WITNESS: Right. I would say there isn't any
3 set time, because of the fact that the business has its ups
4 and downs. So we try to regulate things and handle things in
5 such a way that we don't flood the union.

6 THE COURT: You like to control the A branch on the
7 basis of what you estimate the requirements for the industry
8 will be; is that correct?

9 A Yes, so there will be work for the men there. We
10 don't want them just standing around, doing nothing. You
11 can't keep up any standards that way.

12 BY MR. HARRIS:

13 Q Have you had occasional backlogs of applications?

14 A Yes; sure.

15 Q Can you estimate what the size of the backlogs
16 have been during the course of the last few years, if any?

17 A I can only go by -- See, some men contact different
18 people The ones that come to me, I can talk about them.

19 Q Don't all the applicatons come before the board
20 or the committee that we spoke about?

21 A No. The committee doesn't meet as a committee, I
22 would say. They used to, years ago, but not lately.

23 THE COURT: It is handled individually by members?

24 THE WITNESS: Due to sickness and things of that
25 kind and other things.

TESTIMONY AT HEARING ON PRELIMINARY INJUNCTION (71 Civ. 2877),
12-2-71

1 JGP 17 Tracey - circ 7 490

2 BY MR. HARRIS:

3 Q Mr. Tracey, you understand we have been talking
4 about a committee to screen applicants?

5 A Yes.

6 Q You indicate that this committee does not meet?
7 Is that your testimony?

8 A Not as a committee. I mean, Mr. Mulligan and myself
9 are in the office, but Mr. Murray has not been well for four or
10 five years, so we don't get together too often on that par-
11 ticular situation.

12 Q Well, did you ever discuss what the standards are
13 for review of the applicants, amongst yourselves?

14 A Well, as far as I know, my authorized duty on that,
15 when they formed this committee, years ago, was for screen-
16 ing men who had been in the metal trades union for quite
17 some time and had certain experience, and our job was to
18 check whether they had those experiences or not.

19 Q Who checks on the moral character of the applicant?

20 A The moral character?

21 Q Yes, sir. Does anybody?

22 A What do you mean by moral character?

23 THE COURT: Well, he means, who checks as to whe-
24 ther they might have a criminal record, for instance, or
25 whether --

TESTIMONY AT HEARING ON PRELIMINARY INJUNCTION (71 Civ. 2877),
12-2-71

1 JGP 18 Tracey - cross 491

2 MR. HARRIS: Your Honor, that may not be what I
3 mean.

4 THE COURT: It is what you mean. Just by reading the
5 union book.

6 THE WITNESS: I'll answer that question, if you
7 want, as to what our estimation of moral character is.

8 THE COURT: Go ahead.

9 THE WITNESS: We like to find out whether we feel
10 that the man will make a good union member. He might be
11 the best qualified man in the world as a mechanic, but in
12 a labor union sometimes you have tough situations, where
13 you have unemployment, and we want to estimate whether this
14 man will not go to work unless he gets the requirements in
15 the agreement, not go out and take a job under the money.

16 So that's our way of sizing people up.

17 Q That is what you mean when you interpret good moral
18 character under your constitution?

19 A Yes. Naturally, a lot of other things, because,
20 naturally, if a man has got a record that's pretty bad, why,
21 we have to consider whether he will make a good man to bring
22 in with our people.

23 Q You are speaking of criminal record when you say
24 "record"?

25 A Certainly. Naturally.

TESTIMONY AT HEARING ON PRELIMINARY INJUNCTION (71 Civ. 2877),
12-2-71

1 JGP 19 Tracey - cross 492

2 Q How do you go about making these determinations
3 when you say, "We consider that"? How do you consider that?

4 A I haven't had the experience to have to get into
5 that particular point.

6 Q In other words -- correct me -- when applicants
7 make applications, you don't go into this aspect of their
8 qualifications?

9 A You are referring to the screening committee?

10 Q Yes, Mr.

11 A I size the man up. If he looks like a pretty de-
12 cent guy to me, I don't think I have to go any further.

13 MR. HARRIS: No further questions -- Oh, wait.
14 One moment.

15 BY MR. HARRIS: (Continuing)

16 Q You indicated Mr. Murray has been ill off and on
17 for the last few years.

18 A Yes.

19 Q When people have inquired or written to him for
20 membership in the A branch, would those letters be passed on
21 to somebody else in his absence?

22 A That I couldn't say.

23 Q Have any been passed on to you?

24 A Not from his direction.

25 Q I would like to show you Government Exhibit 9 and

TESTIMONY AT TRIAL, 1-15-73

1 jbw 13

Charon-direct

31

2 to him.

3 MR. HARRIS: And that is by an employee of the
4 defendant, your Honor.

5 THE COURT: I know. I will allow it.

6 Q Did you take any further steps?

7 A Yes, I did.

8 Q What did you do?

9 A December first, I decided, I sent a letter to the
10 union which I did.

11 Q I would like to show you Plaintiff's Exhibit 195 for
12 identification and ask if that is a copy of a letter you sent?

13 A Yes, the same letter.

14 MR. HARRIS: I offer that in evidence.

15 THE COURT: Is there any objection to this letter,
16 gentlemen?

17 MR. FLEISCHMAN: No objection.

18 THE COURT: It will be received.

19 (Plaintiff's Exhibit 195 received in evidence.)

20 Q Mr. Charon, have you ever gotten a response to
21 this letter?

22 A No.

23 MR. HARRIS: No further questions.

24 THE COURT: Mr. Yeager?

25 MR. YEAGER: I have no questions of this witness.

xx

TESTIMONY AT TRIAL, 1-15-73

T4 a.m.

jbwh 1

57

MR. HARRIS: The government would like to call a witness out of order. He has expressed an interest and he has other obligations. We have no objection.

THE COURT: Does anybody have any objection?

All right. Go ahead.

MR. HARRIS: It is a Mr. John Barthelmess.

J O H N B A R T H E L M E S S, called as a witness by the government, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. HARRIS:

Q Mr. Barthelmess, were you subpoenaed to come here today?

A I was.

Q And where do you reside?

A East Patchogue, 156 Munsell Road, East Patchogue.

Q How old are you, sir?

A Sixty-five.

Q Now, how many years did you complete at school?

A Well, I'd eight years of primary education.

Q Are you a member of the A-Branch of Local 638?

A Yes, sir.

Q And when did you join the A-Branch?

A 1942, July of 1942.

TESTIMONY AT TRIAL, 1-15-73

1 jbw 5

Barthelmess-direct

61

2 THE WITNESS: Yes, sir.

3 MR. HARRIS: One more question.

4 BY MR. HARRIS:

5 Q Are there men on the jobs where you have been that
6 did do the welding work?

7 A Oh, yes, sir, plenty.

8 THE COURT: Mr. Yeager?

9 BY MR. YEAGER:

10 Q Mr. Barthelmess, how did you learn to do steam-
11 fitting work?

12 A Well, as I stated before, coming from a family of
13 steamfitters, you were more or less exposed to it. You listened
14 to the talk, as I said, and back in 1942 and before, they had
15 these jobs -- maybe a better name for them would be a janitor,
16 and they would last anywhere from -- you got a free apartment in
17 order that you keep the building in repair and kept the heat
18 up or whatever, and I would say most of my life was surrounded
19 by mechanical work of that sort. Mostly steamfitting.

20 Q Were you employed prior to being a steamfitter's
21 helper?

22 A Privately?

23 Q Before you were a steamfitter's helper, did you
24 have other employment?

25 A Oh, yes. I worked for the Carrier Engineering Company

TESTIMONY AT TRIAL, 1-15-73

1 jbw 12

Barthelmess-cross

68

2 A Oh, yes. You have to have; you can't rub a job
3 unless you have people that will do anything you want them
4 to do.

5 Q Did you ever have people come to the job that have
6 been hired by the superintendent who you hadn't met prior to
7 their coming?

8 A Oh, surely, yes.

9 Q Did they turn out to be good steamfitters?

10 A Well, all steamfitters are good.

11 Q How do you tell that fact?

12 A Well, you observe them by -- even by the way they
13 walk. They have a certain stride. They have a certain
14 stride which they can't deny and they are always humped over
15 from the loads they carry, too.

16 Q You don't give them a written test, do you, to see
17 that?

18 A No, we don't do that.

19 Q Now, in your experience as a foreman, have you ever
20 had to apply on the job principles concerning the specific
21 weights of products or gasses or solids, such as magnesium
22 ice and other substances?

23 A Only according to -- you have a specification. You
24 had to adhere to the specifications.

25 Not every installation is the same. For whatever

TESTIMONY AT TRIAL, 1-15-73

MDS-10

Iqez - direct

95

told me to do maybe the A man wouldn't do, that's not his job. Whatever they tell you to do you do.

Q Who is the foreman on the job you are on now?

A There is no foreman on the one I am on now.

Q Is there a steamfitter in charge?

A A supervisor in charge.

Q Do you know Mr. Munge, whom Mr. Roger just mentioned?

A Yes, I know him.

Q Is he the foreman --

A On the big job he is the foreman.

Q The John Jay?

A Yes, 459 59th Street.

Q Do you work under him?

A Yes, and under different foremen who are A men.

Q What rate of pay do you receive?

A The same as Mr. Roger.

Q Five dollars an hour?

A Yes.

Q Are you a member of Local 638?

A Yes, I am. I am a B member.

Q Do you wish to join the A Branch?

A I have tried to join the A Branch, yes, I have.

Q Why do you want to join the A Branch?

TESTIMONY AT TRIAL, 1-16-73

bme

221

GEORGE RIOS, et al.

vs.

71 Civ. 847

ENTERPRISE ASSOCIATION STEAMFITTERS
et al.

UNITED STATES OF AMERICA

vs.

71 Civ. 2877

ENTERPRISE ASSOCIATION STEAMFITTERS,
et al.

January 16, 1973
10 a.m.

(Trial resumed.)

THE COURT: All right, Mr. Harris, you may proceed.

MR. HARRIS: The Government calls Lester Niblock.

(Pause.)

MR. HARRIS: I think the record should reflect it
is 10:05 and Mr. Niblock was subpoenaed to be here today.

(Pause.)

MR. GLASSMAN: The Government calls Thaddeus Kryjak.

THADDEUS KRYJAK, called as a witness on
behalf of the Government, having been first duly sworn,
testified as follows:

DIRECT EXAMINATION

BY MR. GLASSMAN:

Q Mr. Kryjak, are you a member of the A Branch of
Local 638?

XX

TESTIMONY AT TRIAL, 1-16-73

bmc

Kryjak - direct

233

Q Do you know how most of the people who have worked for you heard of your present job?

A Through word of mouth.

Q When you say word of mouth, what do you mean?

A Well, probably they will see each other out in the street and say "Well, Teddy is doing a job in Greenpoint." The word gets around.

Q Who is Teddy?

A I'm Teddy.

MR. GLASSMAN: No further questions, your Honor.

CROSS EXAMINATION

BY MR. YAEGER:

Q Mr. Kryjak, I believe you mentioned you were involved in bull work which was lifting a pipe two or three hundred feet?

A Yes.

Q That is done with a crane?

A Yes.

Q Does a steamfitter operate that crane?

A No.

Q Does the steamfitter work on unloading trucks as part of bull work?

A Yes.

Q Does that involve rigging?

TESTIMONY AT TRIAL, 1-16-73

1 bme Campbell - cross - redirect 338
2 REDIRECT EXAMINATION
3 BY MR. HARRIS:
4 Q Are you a certified welder, Mr. Campbell?
5 A No.
6 Q You said you became an apprentice in 1960?
7 A Yes.
8 Q Were you given a test or something before you became
9 an apprentice?
10 A No.
11 Q What are the procedures by which you became an
12 apprentice in 1960?
13 A I went with my father to the union hall and got on
14 the list.
15 Q And then?
16 A I was notified and then interviewed.
17 Q Who interviewed you?
18 A I forget.
19 Q Union officials?
20 A No, I don't think so.
21 THE COURT: Was it one man or more than one?
22 THE WITNESS: I think he passed away. I think it
23 was Leon Manier.
24 THE COURT: He interviewed you?
25 THE WITNESS: Yes.

TESTIMONY AT TRIAL, 1-16-73

1 bme Campbell - redirect 339

2 THE COURT: How many of them were there?

3 THE WITNESS: I think there were two other men, but
4 I don't remember them.

5 Q Was that it, the interview and then you were notified
6 to report to the apprentice program?

7 A Yes.

8 Q I would like to just show you Plaintiff's Exhibit 145
9 in evidence and ask if this is similar to the kind of work they
10 had when you went through the apprentice program?

11 A Yes, it looks the same.

12 Q Would you look through it?

13 THE COURT: It looks like the kind of book you
14 had?

15 THE WITNESS: Yes.

16 MR. SHAW: In evidence?

17 MR. HARRIS: Yes, Exhibit 145, stipulated into
18 evidence.

19 Q What is the specific weight of magnesium?

20 A I don't know.

21 Q Do you know how to figure out the density of a sub-
22 stance if you know the specific weight?

23 A I did, but I forget.

24 Q When was the last time you used that on the present
25 job, that kind of calculation?

TESTIMONY AT TRIAL, 1-16-731/16
T-1A PM

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343

AFTERNOON SESSION

2:00 p.m.

(Trial resumed)

MR. GLASSMAN: The Government calls Frank
Catapano.

F R A N K C A T A P A N O, called as a witness
by the Government, being first duly sworn,
testified as follows:

DIRECT EXAMINATION

BY MR. GLASSMAN:

Q Are you a member of Local 638?

A I am.

Q Of what branch?

A "A" Local.

Q How long have you been a member of the A Branch?

A Approximately fifteen years.

Q What experience did you have prior to becoming
an A member?

A Well, I got out of high school and worked in a
shop, was initiated into the B Local of 638. After four
years of B Local, I transferred into A Local.

Q Did you have any steamfitting experience prior to
working for the B Local?

A No. I just graduated high school.

TESTIMONY AT TRIAL, 1-16-73

2mab

Catapano-direct

344

Q What kind of work did you do while in the B Local?

A For the most part, I worked in a shop learning the tools of the trade, fittings, reading sketches, whatever was necessary in the shop.

Q What is your present job?

A I am a field foreman for Berley Industries.

Q At what job site are you working?

A Tracey Towers, Mosholu Parkway, Jerome Avenue.

Q In the Bronx?

A Yes.

Q What is a field foreman?

A A field foreman has charge of that particular job he is assigned to by the boss, general contractor. His job entails laying out the job, coordinate the job.

In the beginning of the job, you have specifications and you read up on the specifications and you have three sets of blueprints, mechanical, architectural structurals, and coordinate with other mechanical trades.

Q Who gives you the blueprints?

A They are issued by the boss or the super comes on the job and hands you the drawings.

Q How long have you been working for Burley

TESTIMONY AT TRIAL, 1-16-73

135

lrnab

EUGENE JENKINS, called as a witness
by the Plaintiff, being first duly sworn,
testified as follows:

DIRECT EXAMINATION

BY MR. YEAGER:

Q Mr. Jenkins, would you give us your address,
please?

A 83 Harriman Avenue, Hempstead, Long Island.

Q Are you married?

A Yes.

Q How are you presently employed?

A I am presently employed Urban Mechanical as
superintendent of jobs.

Q What kind of work is being done by Urban on the
jobs you supervise?

A We do plumbing, heating, air conditioning,
sprinkler systems, all piping systems. We are a mechanical
company.

Q Could you tell me a little bit about your
background in pipefitting?

A You might say I was born with a pipe in my
hand --

MR. FLEISCHMAN: I object.

THE COURT: Yes, don't tell us that.

L/16
T2-B pn

TESTIMONY AT TRIAL, 1-16-73

2rnsb

Jenkins-direct

386

1 A I have always felt at ease with pipes --

2 MR. FLEISCHMAN: I object to that.

3 THE COURT: Well, you have a liking for pipes?

4 THE WITNESS: I have a very strong desire for
5 pipes.

6 THE COURT: Okay.

7 BY MR. YEAGER:

8 Q Could you tell us about your employment in
9 pipefitting?

10 A When I was 18, I started as a plumber's helper --
11 17 -- for J. A. Melville & Son in Queens, Jamaica, Sutphin
12 Boulevard.

13 I stayed in his employ for close to seven months
14 and then I went to Standard Utilities, also in Queens.
15 They installed boiler systems, along with J. A. Melville.
16 It was predominantly gas-fired units they would install
17 into one and two-family houses in Queens.

18 From there I went to Torch Heat, a heating
19 company, also, and there we installed hot water heating
20 systems. Basically, this seemed to be the best type of
21 heating for small, residential homes. It was the most
22 economical heating system.

23 We hook up the boilers to one pipe steam system,
24 hot water, and I came across a vacuum system and it is a

TESTIMONY AT TRIAL, 1-16-73

32220

Jenkins-direct

387

2 strange system and I don't think they use it too much any
3 more in New York.

4 Q Where did you go after that?

5 A I went to the United States Navy.

6 Q Were you discharged from the Navy?

7 A I was honorably discharged in 1963.

8 Q What kind of work did you do in the Navy?

9 A I was a steamfitter. They called it a ship-
10 fitter, but you deal with pipes, the piping systems aboard
11 the ship, the refrigeration system, the hot water, cold
12 water, and then, also, you have to take care of the
13 watertight integrity to the hull of the ship.

14 I had one case while I was in the Service where
15 I had to go over the side of the ship, four feet below
16 the waterline, drive a plug into an ejector drain, water
17 that is ejected below the waterline of the ship. I had to
18 drive a wooden plug in there because there was a small leak
19 around the perimeter.

20 By doing this, I was able to go inside the ship,
21 weld a nipple over the leak and put a valve on and repair
22 the leak.

23 Q How did you learn to do the steamfitting work
24 you did in the Navy?

25 A I went to Newport, Rhode Island, Naval Training

TESTIMONY AT TRIAL, 1-16-73

47mab

Jenkins-direct

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1 School for six weeks. They have courses there in welding,
2 aluminum welding, arc welding, gas welding, which is
3 called oxyacetylene welding, we had torch bracing, torch
4 soldering, just everything was torch welding at that point.

5 Q When you left the Navy, how were you employed?

6 A I then went to the American Sugar Company where
7 I was employed as a Class A pipefitter.

8 There my duties entailed working with cast iron
9 pipes 24 inches in diameter, steel pipes up to 10 inches.
10 Also, I had occasion to put together a spool piece of out
11 stainless steel. It was a short piece of pipe and they
12 call that a spool piece. Say you take a valve out of a
13 system and you replace it with a spook piece and the
14 system can still function.

15 Q Did you work with screw pipe with American
16 Sugar?

17 A Yes. We had a threading machine that threads
18 up to 6-inch pipe.

19 Q When you left American Sugar, where were you
20 employed?

21 A I then went to Urban Mechanical where I was
22 employed as a pipefitter, at the job at 215 West 125th
23 Street.

24 I started on the first piece of pipe in that
25

TESTIMONY AT TRIAL, 1-16-73

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Jenkins-direct

389

2 building, myself and George Rios, and we put in the first
3 piece of pipe in that building.

4 Q What work was done in between?

5 A Complete heating, air conditioning system.

6 What was unique about that system was that there was two
7 boilers up on the roof. The boilers, the absorption
8 machine was on the roof, with the cooling tower, but what
9 made it unique was that the pump room was on the roof and
10 everything was being forced down instead of the usual
11 system of pushing liquids up.

12 Q How many men worked with you on that site during
13 the period of time you were there?

14 A I would say we had a peak of about fourteen men.

15 Q How long were you on that site?

16 A From start to finish, the bulk of the crew was
17 there for roughly nine months.

18 Q And George Rios was with you from the beginning
19 to the end of that?

20 A Yes, he was.

21 Q Did you become the foreman on that site?

22 A Yes. After four months' time, I became the
23 foreman of that job.

24 My duties then entailed reading blueprints and
25 trying to figure out where everything was supposed to go

TESTIMONY AT TRIAL, 1-16-73

6xmob

Jenkins-direct

390

and delegating the men to install it as such.

Q When you left this site at 215 West 125th Street, where were you next employed?

A I remained with Urban Mechanical. I am still with them.

We then went in November of 1970 to 138th Street and installed 26 units of rehabilitation plumbing.

Q Was George Rios with you on that site?

A He was the foreman at that site.

Q What kind of work was done there specifically?

A Complete plumbing system, installation of new fixtures for the bathroom and the kitchen, complete cast iron underground stacks, vents, hot and cold water risers, hot water recirculating lines. It was what you would call a complete new plumbing system.

Q Was that work similar to the work you did at 125th Street?

A It was similar, because when you deal with pipes, they are similar and it is just a matter of -- if you deal with a cast iron, it is a different center, a sweep or quarter bend -- it is basically the same. You take off so much for a fitting.

Q When you left 139th Street, where were you next employed?

TESTIMONY AT TRIAL, 1-16-73

7rncb

Jenkins-direct

391

1 A We then went to the Telephone Company Building
2 on 125th Street. This was roughly around April of 1971.
3 George Rios was the foreman at that site, also.
4

5 Q What type of work was done there?

6 A Complete plumbing and sprinkler system.

7 Q When you left the Telephone Company, where did you
8 go?

9 A From the Telephone Company, we went to 117th
10 Street and Madison Avenue.

11 Q What did you do there?

12 A We installed there a complete plumbing system and
13 a heating system, and then we also went to Lincoln Hospital.
14 I think that is all at that time.

15 Q At the 139th Street site, were you the superintend-
16 ent of that job?

17 A I am the super of all jobs of Urban Mechanical.

18 Q Beginning with the 139th Street job, you became
19 the super?

20 A Right.

21 MR. YEAGER: No further questions.

22 CROSS EXAMINATION

23 BY MR. HARRIS:

24 Q You indicated that while you were in the Navy, you
25 attended a training school at Newport, Rhode Island.

TESTIMONY AT TRIAL, 1-17-73

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Aird - direct

407

L E R O Y A I R D, called as a witness, having been

first duly sworn, testified as follows:

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DIRECT EXAMINATION

BY MR. GLASSMAN:

Q Were you subpoenaed to come here today?

A Yes.

Q Where do you live?

A Apartment 1K, 216 Prospect Avenue.

Q Brooklyn?

A Bronx.

Q How old are you?

A 35, coming next week.

Q Are you married?

A Yes, I am, one child.

Q Approximately how many years experience have you
had in the steamfitting industry?A From the second of February of 1956 to the present,
which is over 16 years.

Q How did you original1 receive your training?

A I started off in the Engineering Department, Ministry
of Health, Trinidad.

Q Did you go through any apprentice training program?

A I did. . . Five years apprenticeship and then I stayed
in the Ministry for two and a quarter years after that.

TESTIMONY AT TRIAL, 1-17-73

bmc 2

Aird - direct

408

2 Q The apprentice program was about five years?

3 A Yes.

4 Q What did you learn in that apprentice program?

5 A Well, we have a variety of trades there, which
6 includes heating, a little plumbing, electricity, medical
7 instructions, like cardiograms, X-ray machines--basically
8 maintenance.

9 Q You said you did electricity?

10 A Yes.

11 Q What do you mean by that?

12 A Well, a little bit of everything, and then from
13 there one could always get a course in which line he wants
14 to prolong onto make a livelihood.

15 Q Did you also do millwright work?

16 A A little bit.

17 Q Within the same five-year program?

18 A Yes.

19 Q How did you decide finally to go into steamfitting?

20 A Well, in the construction trades where most of the
21 money-making is and that is why I entered into that.

22 Q Did you work in construction after your apprentice
23 program?

24 A Yes. I started off with the building of a sugar
25 factory, stayed there two years--

TESTIMONY AT TRIAL, 1-17-73

take 3a

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564

MR. HARRIS: Your Honor, the Government has a request. We have two witnesses here who are Naval officers who have to be back up at their base in Rhode Island tonight and I have requested the other parties and they have agreed if it is all right with the Court to insert them at this time.

THE COURT: It is all right with me. Dr. Barnett it is all right with, I trust?

MR. BARRETT: Yes.

MR. HARRIS: The Government calls Senior Chief Williams.

SAMUEL WILLIAMS, called as a witness on behalf of the plaintiffs, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. HARRIS:

Q What is your rank?

A Senior Chief Petty Officer in the United States See Bees.

Q Is that a department of the Navy?

A Yes. The See Bees is the construction force of the United States Navy.

Q When you say construction force, could you elaborate on that a little bit?

A We do the construction for the United States

TESTIMONY AT TRIAL, 1-17-73

rkab

Williams-direct

578

THE WITNESS: Yes.

THE COURT: What other word did you see?

THE WITNESS: Putting in of water lines, gas lines and your main line.

THE COURT: That was already in?

THE WITNESS: Yes.

BY MR. HARRIS:

Q Would your answer be the same with respect to the amount of experience required to do that work?

A It would be the same as the sprinkler system.

MR. HARRIS: No further questions, your Honor.

MR. FLEISCHMAN: May I have an opportunity to read this book?

MR. SHAW: If I can go out of order, I have a few questions I want to ask.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. SHAW:

Q Chief, do you know whether any of the men you saw yesterday working at Lincoln Hospital were apprentices?

A Some of them were.

Q They were?

A Yes.

Q So they were doing the same work that you are

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TESTIMONY AT TRIAL, 1-18-73

Direct Examination 640

took the test, and another was 11/21/1970 when only seven blacks took the test.

With that small a number, the difference would have to be astronomical for the number to become significant. The difference was very marked and quite obviously not arising from a chance in the selection of the two samples.

Q Did you perform the specific calculation on the total group to determine the statistical significance?

A Yes.

Q What did you learn when you did that?

A I learned that the difference between the two was so great that the tables I had available did not go up that high and I estimate the chance would be one in a million that this was an accidental difference.

Q Did you also calculate the statistical probability that the same percentage of blacks and whites would pass the test if the test were given again in the future?

A Yes.

Q What result did you arrive at?

A What I found was that if the same kind of test was given to the same kind of people, the probability of the true score of the whites would be between 14.2 and 38.6, that is, 95 percent probability that if we replicated this

TESTIMONY AT TRIAL, 1-18-73

Exhibit-Modification

641

study over and over, the average would settle down in between those two numbers and that the true score of the blacks would be between 3.2 and 17.6.

Q Returning again to the questions asked on cross-examination, I believe that you stated that the tests which comprised Plaintiffs' Exhibit 144 were designed to test verbal ability, mechanical ability -- strike that -- were designed to test verbal aptitude, mechanical aptitude, mathematical aptitude and space relations understanding.

MR. SHAW: No, I believe he testified it was verbal reasoning.

A Verbal reasoning.

Q Verbal reasoning and space relations?

A Yes.

Q Those four terms, are those -- would those terms constitute a construct in the terms you used construct yesterday in constructual identity?

A Four different concepts, yes.

Q Each would be a construct?

A Yes.

Q If you were to use those tests as a specific job selection device, how would you go about determining whether or not you were selecting the proper constructs to select people to work on the job?

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jpe 2

McKernan - direct

660

MR. HARRIS: I think it might be helpful for the Court to follow it along as Mr. McKernan reads from pages in the book.

THE COURT: Are these gentlemen going to be able to follow along?

MR. HARRIS: I am afraid we only have the two copies.

BY MR. HARRIS:

Q Mr. McKernan, with respect to the various services, are there training programs that relate to pipefitting and steamfitting?

A Yes, there are.

Q Could you go through that book and take each service as it appears in the book and point out where it appears in the book?

THE COURT: Give the page reference.

A This book is divided into four sections, as far as the military services are concerned--Army, Navy, Air Force and Marine Corp.

I will begin with the Army, on page 52 of the book.

On page 52 and the top of page 53, there are three areas--the heating and ventilation specialists, the plumber and the last one, the heating and cooling specialist, at the top of the page.

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jpc 3

McKernan - direct

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2 This book, in terms of useage, would permit anybody
3 whose is engaged in employing an individual to look at what
4 kinds of work he did in the military by the job description,
5 the number of weeks of training he received, and then whether
6 or not that skill was either highly related or substantially
7 related to a civilian job. That is the Army.

8 Q Just before you turn, is the number of weeks of
9 the training program in the Army indicated on that page?

10 A Yes. In this case, the heating and ventillation
11 is eight weeks; the plumber is eight weeks; the heating and
12 cooling specialist is 11 weeks.

13 This is the training and initial entry. This does not
14 cover what experience the man may have in one or two or three
15 or four years of military service.

16 Q Is this classroom training, the weeks that are
17 referred to there?

18 A This is classroom training. In many cases it is a
19 combination of traditional classroom, but heavily related to
20 a shop kind of relationship.

21 Q And then after the serviceman might perform this
22 work in the military on sort of a practical level?

23 A Yes. He leaves. Once he goes, for example, to the
24 plumber's course, he then would be assigned to a job related
25 to that particular skill for the pursuance of that work in

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jpa 4

McKernan - direct

062

terms of that mission.

Q Would you continue?

A Yes. In turning over to the Navy, there are several pages here. On page 69 of the manual, covering the boilermaker and boilermen, there is in addition to that, on page 79, the hull maintenance technician, which has relationship, and then on page 90 is the utilities men, which have relationship in terms of the skills that can be utilized in civilian life.

Q This is the Navy you are referring to?

A Yes, I am referring to the Navy.

Q Is there any indication of the amount of weeks for the utility man course?

A There is. For the utility man course, it is 14 weeks of training.

Q Would you go on?

A Yes. The next one is the Marine Corp. and on referring to page 131 of the manual, at the bottom of the page, there is plumber and water supply man. In that case, for the Marine Corps, the training is 20 weeks.

Mooving to the Air Force, on page 168, at the middle of the manual, plumbing specialist, the plumbing specialist here for the Air Force is 19 weeks of training.

Q As part of your duties and the duties of your office,

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1 jpe 3

Bickel - direct

2 research methods.

3 Q Have you taught statistical analysis?

4 A Yes, I have.

5 Q Dr. Bickel, I am showing you a copy of Plaintiff's
6 Exhibit 133 in this case, which is further answers to written
7 interrogatories from the defendant Enterprise Association,
8 Local 638, Exhibit B, further answers to those interrogatorie:
9 which is a group of documents stapled together, the top of
10 the first of which is a recitation that it is a night appren-
11 ticeship program.

12 A This is rather difficult the way it is stapled, bu
13 this looks exactly like the list of membership rules for the
14 apprenticeship program in Local 638 since 1960 that I worked
15 with.

16 As far as I can tell, it is identical.

17 Q And the last of those indicates that it is through
18 the 20th program.

19 A Yes.

20 Q Then there is a 17th page, the top of which there
21 is the caption "Apprenticeship cancellation;" is that correct

22 A Yes. That looks exactly like the list that I work
23 with.

24 Q You say you are familiar with this, Dr. Bickel.
25 Could you tell me, please whether or not you have conducted

TESTIMONY AT TRIAL, 1-18-73

1 jpe 4 Bicket - direct 757

2 any type of statistical analysis on the basis of the figures
3 that were reported to us in these exhibits?

4 A Yes, I performed several simple and basic opera-
5 tions with regard to this data.

6 First of all, I simply enumerated the total number
7 of apprentices indentured each year and they are broken down
8 according to whites and the minority group--black and Puerto
9 Rican.

10 I calculated that for each year and also for the
11 entire period since the program was first instituted in
12 1964 through 1971, when that data ends. I calculated the
13 proportion or the ratio that the minority group apprentices
14 accounted for in each entering group, as well as its propor-
15 tion or the ratio that the minority group apprentices accounted
16 for over the entire period.

17 I calculated the total number of apprentices in the
18 program as of the end of each quarter, from 1964 through 1971.
19 I calculated the total number of minority group apprentices
20 in the program as at the end of each quarter, and the propor-
21 tion that the minority group apprentices represented out of the
22 total number of apprentices that were in the program.

23 This was not just an accumulation of the entering
24 classes. It was that, but then also deducting out those
25 apprentices that dropped out at the date listed that they

TESTIMONY AT TRIAL, 1-18-73

1 jpe 5

Bicket - direct 758

2 dropped out, and also deducting out the apprenticeship groups
3 as they graduated at the end of their five-year period.

4 So its an accumulation, but it is a moving accumu-
5 lation that takes account of new apprentices coming in and
6 apprentices as they were finishing and leaving the program,
7 as well as those individuals that dropped out.

8 I calculated, then, the rates of drop out and
9 the comparative drop out rates for the white apprentices on
10 the one hand and the minority group of apprentices on the
11 other hand.

12 By rate of drop out, I mean the total number of
13 drop outs as a percentage of the total number of apprentices
14 that began the program.

15 Q On the items that you mentioned concerning the
16 number of apprentices indentured each year by both minority
17 and white and the ratio of white and minority apprentices in
18 the programs cumulatively, were you able to draw any con-
19 clusions?

20 A Well, yes. I can tell what my findings were by
21 simply what the data themselves show.

22 Q Would you do that, please?

23 A Surely.

24 THE COURT: In talking about Spanish surnamed peo-
25 ple who would tell you that? Did you decide that?

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1 jpe 6

Bicket - direct

759

2 THE WITNESS: There is a notation on the membership
3 role as to whether the apprentice is black.

4 THE COURT: That is what came on this exhibit?

5 THE WITNESS: Yes. I made no judgment about that
6 myself.

7 THE COURT: One of the funny things in this case is
8 the hearing I had before there were two Spaniards with ob-
9 vious Spanish surnames.

10 THE WITNESS: It is a problem for the census bureau
11 as well.

12 THE COURT: But you just took what they told you.

13 THE WITNESS: Yes.

14 The first number of total apprentices indentured
15 in 1960, in the period before the program was first inte-
16 grated in 1964, in other words, the four years 1960 through
17 1963, the average number of apprentices indentured each year
18 was slightly more than 100. 107 was, I believe the average
19 number of apprentices indentured each year prior to 1964.

20 The apprentices indentured in 1964, the first
21 integrated group, were a much smaller number, 55 in that year.
22 No apprentice groups were formed in 1965 or in 1966.

23 Another smaller group totalling 45 new apprentices,
24 were indentured in 1967. The average number of apprentices
25

TESTIMONY AT TRIAL, 1-18-73

jpe 7

Bicket - direct

760

indentured each year in that four-year period, 1964 through 1967, consequently amounts to 25.

In 1968, the number of apprentices indentured rose again to 93, and in the following years, 68 through 71, it averaged just slightly less than 100.

In terms of the number and proportion of minority group apprentices, in the first year, 1964, the proportion of apprentices newly indentured who were in the minority group amounted to 14 1/2 per cent. In no subsequent year did it rise any higher than seven and a half per cent, and in the most recent years, 1970, and 1971, it was two per cent.

In other words, in the first year, four and a half of the new apprentices were minority group. Then over the next few years the average was around five or six, and in the most recent two years, the average was two per cent. The whole period 1964 through 1971, the average for that whole period was 5.7 per cent of all new apprentices who were of the minority groups.

But the decline is quite striking from the high point, which was the first year in which the program was integrated. Since then it has declined almost steadily as the proportion of new entrants.

Q You mentioned I believe you also conducted these calculations on the basis of the cumulative number of appren-

TESTIMONY AT TRIAL, 1-18-73

1 jpe 8 Bicket - direct 761
2 tices in the program each year. Can you tell us what you
3 found when you did that?

4 A Yes. The total number of apprentices in the pro-
5 gram from the period beginning in 1960 ranged between 300 and
6 some up to a high point of 484 in 1963.

7 In 1964, with the first integrated group, there
8 was a total of 453. It then declined drastically. This is
9 the total number of apprentices--to a low of 134, reached in
10 1968. From that point it began to rise again, and in 1971 it
11 reached a total of 409.

12 THE COURT: 409 in '71?

13 THE WITNESS: Yes. That's as of the end of the
14 year.

15 THE COURT: What was the first year?

16 THE WITNESS: In 1964, at the end of the fourth
17 quarter of 1964, it was 453.

18 THE COURT: So that over the period of years it
19 climbed 453 to 409?

20 THE WITNESS: Over the entire period it went from
21 453 to 409. But this represents a decline to a low point of
22 134 in 1968. Those were those years in which no new apprentice
23 groups were being formed at all, and in 1967 when small groups
24 were being formed.

25 As far as the minority group members in the appren-

1 jpe 9 Bicket - direct 762
2 ship program as a whole, that rose gradually over the entire
3 period, and as a percentage of the total, in 1964, the first
4 black and Spanish apprentices that were indentured amounted
5 to 1.8 per cent of the total number of apprentices in the
6 apprenticeship program.

Over the earlier years, that is, from 1964 up through 1968, the number of minority group apprentices as a percentage of the total rose somewhat more strongly than this. It rose to a high point of 7.2 per cent at the end of 1968. That is largely illusory, however, because most of it is due to the decline in the total number of apprentices. From that point in 1968, as the total number of apprentices began rising again, the minority group apprentices as a percentage of the total has declined to 3.9, as I said, at the end of 1971.

23 A Yes.

24 Q Can you tell us what you found when you made that
25 calculation?

TESTIMONY AT TRIAL, 1-18-73

jpe 10

Bicket - direct

763

A Yes.

Q Overall, from 1964 through 1971, 492 apprentices were indentured. Of these 38 dropped out before completing the five-year program. That is a percentage of 7.7 who were drop outs. When the group is sub-divided by 20, the white apprentices on the one hand and the minority groups on the other, there was a total of 474 white apprentices indentured. 31 of these dropped out, or 6.7 per cent.

There was a total of 28 black and Spanish-surnamed apprentices indentured. seven of these dropped out, or 25 per cent of the total. The significant comparison from the point of view simply of the statistical comparison between the two groups, the white apprentices indentured and the minority group apprentices indentured, since the groups are of different sizes, the significant comparison is the percentage of drop out, or what I have called the drop out rate. The drop out rate, I will say again, was 6.7 per cent among the white. It was 25.0 per cent among the minority group apprentices.

Q Are you familiar, from your experience in college and from your teaching experience, with standards, statistical formulae, with statistical probabilities?

A Yes.

Q Did you apply those formulae to your comparative

TESTIMONY AT TRIAL, 1-18-73

jpe 11

Bicket - direct

764

study of the drop out rate for blacks and whites. I did a test of significance on these two rates.

Q When you refer to a test of significance, is that the same type of test to which--were you in the courtroom this morning?

A Yes, I was.

Q Was that the same type of test statistical significant to which Dr. Barrett was referring?

A Yes; the same general type of test exactly.

Q Could you tell us what you concluded when you applied that test to the drop out rates?

A Well, the test produced very strong results. In other words, this difference in drop out--

MR. FLEISCHMAN: I object to the characterization.

THE COURT: Just tell us your conclusions.

A My conclusion was that this difference in drop out rate is in the statistical sense highly significant; that the probability, which was the significance tests measure, that the difference in this grade drawn from groups of this size could be due to chance-causes only is less than five out a thousand. I am not prepared to say precisely what the probability is, because as Dr. Barrett said this morning, I have had the same experience, it runs clear off the standard tables of significance values that are calculated. All I can

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jpe 12

Bicket - direct 765

say is it is something less than five out of a thousand the probability that this difference could be due to chance causes alone.

MR. FLEISCHMAN: Your Honor, I lost part of that.

THE COURT: Kindly read the answer.

(Answer read.)

THE WITNESS: I could elaborate a little bit and say that the same thing can be stated in this way. The probability is that some systematically differentiating forces are at work as between these two groups.

THE COURT: What do you mean by that?

THE WITNESS: Simply that something other than chance causes are at work.

THE COURT: That could be all kinds of things.

THE WITNESS: That is right. As a statistician, I can't say a thing of what it might be. Simply the existence of some forces that are operating in a differential manner.

THE COURT: If there is a personality problem, which is nobody's problem, it could be that.

THE WITNESS: I wouldn't be prepared to stay as a statistical analysis whether it could or could not. The statistical analysis as such gives us no information whatsoever about the contents of those forces. Simply tests for

TESTIMONY AT TRIAL, 1-18-73

1 jpe 13

Bicket - direct

766

2 the existence of forces that are operating in a differential
3 manner. The probability that such forces are operating is
4 greater than 99 and a half per cent. This is the same propo-
5 sition stated just two different ways. The probability that it
6 is only change variation is less than one and a half per cent,
7 the probability that it is some kind of systematic differen-
8 tial is greater than 99 and a half per cent.

9 That is the results of this significance test.

10 THE COURT: How do you define what you mean
11 systematic differential?

12 What does that mean?

13 THE WITNESS: It is simply not change.

14 THE COURT: But a systematic differentiation
15 could be the product of a lot of forces, couldn't it?

16 THE WITNESS: That's right.

17 THE COURT: Independent forces?

18 THE WITNESS: That's right.

19 THE COURT: It could?

20 THE WITNESS: Yes.

21 THE COURT: So it isn't systematic in the nature
22 it is systematized by somebody to produce it?

23 THE WITNESS: Only if you think of the whole con-
24 stellation of forces as in some sense a system.

25 THE COURT: Maybe, yes. That's right. Maybe the
solar system.

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take 3 pm

line 1

Bicket - direct

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Q Dr. Bickel, you mentioned that you had calculated the proportion of minority apprentices in the apprenticeship program over the course of the years with which you have dealt here.

Was it possible for you to do any projections of what apprentice minority representation in the union would be like in the union as a whole on the basis of the statistics provided?

A Yes. You can make projections and these of course are hypothetical. That should be emphasized, whenever you make projections it is limited and you have to state what assumptions are going into the projection. On the basis of simplifying assumptions, it is possible to project what the total number and proportion of minority group members in the union will be at any future date given any specified entry rate for apprentices and given the ratio as between white and minority group apprentices in the entry rate and I did take on the basis of simplified assumptions and reached certain conclusions.

THE COURT: What assumptions?

THE WITNESS: As to the overall size of the union and just for operating purpose, I assumed--if the size of the union remains constant at a level of 4,000, which is approximately what it has been in recent years, between '64

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1 bmc 2

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2 and '71--the total number of apprentices in that period was
3 4,038--

4 Q Was that an average figure?

5 A Yes, average annual figure. Assuming a simple
6 number of 4,000, that the size of the union were to stay
7 constant at that level indefinitely into the future, assum-
8 ing that new entrances into the program were to remain con-
9 stant at a level of 100 per year, and that compares with the
10 actual average over this period, which was 77, so this is
11 somewhat larger--both of these are rather conservative assump-
12 tions compared to the actual experience on the last few years
13 Assuming that 100 new entrants are admitted each year and tha
14 remains steady into the future, and assuming there is no
15 differential in drop out rates as between blacks and whites,
16 then one can plot the relationship between the ratio of
17 minority entrants in each new apprentice class formed or
18 in any new increment of apprentices, and you can plot
19 the total number of minority group members out of the whole
20 membership of 4,000 that would be reached in any given year
21 in the future.

22 Q Did you do that?

23 A Yes.

24 Q What conclusions did you reach?

25 A I did this for several alternative entering ratios

TESTIMONY AT TRIAL, 1-18-73

Ex 3

Bickel - direct

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as between whites and the minority group members.

Q What were the ratios?

A Let me describe several. The first I did was the 2 per cent, which has been the entry rate for minority group members over the last two years. If that percentage of new entrants were continued indefinitely into the future, the rate would rise gradually, that is, the proportion of minority group members out of the total union membership would rise gradually until the year 2,009 and at that point it would level off at a maximum possible level of 2 per cent of the total membership of the union.

Q Did you calculate for other percentages?

A For the average overall non-white entrants, five and seven tenths per cent. If that rate of entry for non-whites were to be continued indefinitely into the future, the proportion would rise gradually in the same year it would stabilize, 2,009, and stabilize at a maximum proportion of 4 and seven-tenths per cent of non-whites.

Q Did you calculate the same calculation for other percentages?

A Yes. I calculated a number of hypothetical percentages.

Q What is the result generally?

A The result generally is the same. I am sure you

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bma 4

Bicket - direct

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can see the logic here, that depending upon the ratio of new entrants, white and non-white, the proportion of non-white members in the union generally will rise gradually until a period in the future when that proportion stabilizes--shortly after the turn of the century--and the maximum level at which it is stabilized and the maximum possible level, will be equal to the entry ratio for minority group members.

THE COURT: That is based on the percentage when you start off with the program?

THE WITNESS: This is a very simplified projection that didn't attempt to graft itself on the existing situation but just sort of starts from ground zero. It could be made more sophisticated by--

THE COURT: If you started with a 5 per cent figure of people in minority groups coming into the union, this would come on in future years and you would reach a point where because of the increase in membership and people getting out of the union, you would get over five per cent, but it would stop at some point.

THE WITNESS: It would stabilize at that same 5 per cent, on the assumption that the entry rate of 5 per cent continued steadily.

THE COURT: What puzzles me is, if you start off with a union that is primarily white and the white people retire,

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1 bme 5 Bickel - direct 771

2 get pensioned, that doesn't change it.

3 THE COURT: Well, it changes it up to the year 2000,
4 and then at that point the minority group members will begin
5 retiring and then it stabilizes.

6 THE COURT: All right.

7 MR. YADGER: No further questions, your Honor.

8 THE COURT: We will take our recess at this point,
9 gentlemen.

10 (Recess.)

11 CROSS EXAMINATION

12 BY MR. HARRIS:

13 Q Dr. Bickel, I am a bit of a layman in this field and
14 I just want to review a couple of the terms you used with
15 the Judge.

16 You used the term systematic differential and you
17 used the term chance, and as I recall, you said studying this
18 group of 400 some odd individuals in the apprenticeship pro-
19 gram I believe the figure was 99 and a half out of a hundred
20 the chances were that the difference in drop out rate was
21 attributable to systematic differential.

22 A Yes.

23 Q And only five out of a thousand attributable to
24 chance, is that correct?

25 A That's close.

xx

PLAINTIFF'S EXHIBIT 151 - DEPOSITION OF MULLIGAN

Mulligan

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2 members of the A Branch? Is there any way of estimating
3 how frequently you take in new members?

4 A Well, in the apprentice training program, once
5 a member -- once a boy has served five years in the program,
6 he takes a final examination. If he passes that examination,
7 we give him his journeyman's card.

8 The metal trades branch, it is necessary to have
9 the union book for three years and have at least five years
10 of actual work experience at the trade.

11 Q But I am interested and my question referred to
12 numbers. Can you give any estimate of how many men per
13 month or per year become members of the A Branch on an
14 average?

15 A No, I could not. I could not give you that
16 answer.

17 Q Could you describe for us the application
18 process or whatever the actual mechanics are of becoming
19 a member of the A Branch?

20 A Well, what do you mean? An apprentice fills
21 out an application --

22 Q Forget apprentices for the moment. I am mainly
23 interested in the other avenues of becoming a member.

24 A Metal trades branch?

25 Q Do people ever apply to become members of the

PLAINTIFF'S EXHIBIT 151 - DEPOSITION OF MULLIGAN

Mulligan

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2 A Branch?

3 A We have a few letters on file.

4 Q Could you tell us the normal procedures of the
5 application process, what a man does and what the union
6 does from the point he first applies to the point he is
7 admitted?

8 A Well, we have three members, our president,
9 Thomas J. Murray, John Tracey, the business agent at large,
10 and myself. Every period of time, we go over those letters
11 on file and look them over and we try to pick out members
12 who we think are qualified members for the union.

13 Q When you refer to letters, what exactly are
14 you referring to there?

15 A Well, anybody that applies for membership in
16 the union, he is informed to send a letter in, giving his
17 qualifications.

18 Q Is that true both for people who come in, so
19 to speak, off the street as well as people who are members
20 of the B Branch and wish to transfer to the A Branch?

21 A That's right.

22 Q They write a letter to the union?

23 A That's right.

24 Q Then the executive board meets and reviews
25 their qualifications?

PLAINTIFF'S EXHIBIT 151 - DEPOSITION OF MULLIGAN

1 Mulligan 14

2 A No. The letters are reviewed by Murray, Tracey
3 and Mulligan.

4 Q Then what happens?

5 A Well, depending upon employment, if men are
6 needed in the union, we see what we can do towards getting
7 the most qualified men.

8 Q How do you go about doing that?

9 A Through their letters.

10 Q If you read the man's letter and you conclude
11 that he is qualified, what happens next? And you need men
12 to join at that point.

13 A Well, he would be notified to come down,
14 possibly appear before our executive board, and note his
15 qualifications again.

16 Q Then what happens next?

17 A Well, if it was felt that he was a qualified
18 man, he would be taken into the union.

19 MR. KAISER: Off the record.

20 (Discussion off the record.)

21 THE WITNESS: He is then given an
22 application to fill out, pays the initiation fee.

23 Q How much is the initiation fee?

24 MR. SHAW: Wait a minute. He is given
25 an application only after he has been accepted, is

PLAINTIFF'S EXHIBIT 151 - DEPOSITION OF MULLIGAN

Mulligan

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2 that correct?

3 THE WITNESS: That's right.

4 Q He pays an initiation fee of how much?

5 A A new member coming in, \$800.

6 Q That's it? Then he is a member?

7 A Yes.

8 Q Mr. Mulligan, how many people have written you
9 letters this year requesting admission to the A Branch of
10 Local 638?

11 A I wouldn't know the number. I wouldn't know
12 the number. There is not too many.

13 Q How many people have been admitted through this
14 method this year?

15 A To my knowledge, none.

16 Q When he has applied and he is going through
17 this application process, does the union give him a pipe
18 fitting test or a welding test?

19 A Not at the present time.

20 Q Have they done it for the last ten years?

21 A No.

22 Q Does the union require that he have sponsors?

23 A No.

24 Q Mr. Mulligan, does someone become a member
of the B Branch?

PLAINTIFF'S EXHIBIT 151 - DEPOSITION OF MULLIGAN

Mulligan

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A In the metal trades branch, there is quite a few shops signed up to that branch. And if any of the shops hire new men, they are given applications and they become members of the metal trades branch.

There are other members -- there are other people who wish to eventually get into the construction branch, and they go into the metal trades branch, in many cases more or less to get their training to become A members.

Q Let us stick to the question which was how you become a member of the B Branch.

Do you have to take a test to become a member of the B Branch?

A No, sir.

Q Is there a review board to become a member of the B Branch, in which the applicants are screened?

A I would say yes, three members, Bill Enright, the organizer, Joseph Fitzgerald, business representative and Charles Lowery, business representative.

Q Mr. Mulligan, is Local 638 part of an international union?

A Yes, sir.

Q What international union is that?

A The United Association of Journeymen &

PLAINTIFF'S EXHIBIT 151 - DEPOSITION OF MULLIGAN

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Mulligan

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Apprentices.

Q Are you familiar with the constitution of the United Association of Journeymen & Apprentices?

A Farts.

Q I have particular reference to Section 158 through 162, which deal with membership.

Are you familiar with those sections?

A I'd have to read it over to be sure.

MR. HARRIS: Let us mark this as an exhibit.

(Constitution of the United Association of Journeymen & Apprentices, et cetera, marked Government's Exhibit 1 for identification as of this date.)

Q By the way, Mr. Mulligan, you said the fee for a branch membership is \$800.

A That's right.

Q What is the fee for B Branch membership?

A \$75, which includes three months dues.

Q I would like you to take a look at Sections 158 through 162 of the constitution of the United Association which we marked as Government's Exhibit 1 and then I would like to ask you a couple of questions about that.

Mr. Mulligan, turning your attention to Section 158 which deals with application for membership as a

PLAINTIFF'S EXHIBIT 151 - DEPOSITION OF MULLIGAN

Mulligan

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2 journeyman in the construction trades branch of a local
3 union, that refers to your A Branch, isn't that right,
4 that provision?

5 A That's right.

6 Q What are the qualifications for membership
7 stated there, briefly?

8 A Well, three years -- carrying a UA book for
9 three years, United Association for three years, and at
10 least five years of practical -- actual practical work
11 experience.

12 Q Section 158?

13 A That's that.

14 Q You have a different 158 than I have. There
15 is nothing in there about three years. There is nothing
16 in Section 158 about a three year requirement. There is a
17 five year requirement of practical work experience in the
18 plumbing and pipe fitting industry.

19 A Oh, this is members -- I'm sorry.

20 Q I thought you were confused.

21 A I thought you meant --

22 Q This is members of the A Branch. That he must
23 be of good moral character and that he must pass a satis-
24 factory examination as to skill and ability.

25 A Five years of practical, actual work experience.

PLAINTIFF'S EXHIBIT 151 - DEPOSITION OF MULLIGAN

Mulligan

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2 Q In fact, you don't give an examination at least
3 as far as a written examination, do you?

4 A No. Not at the present time.

5 Q Do you give a test of skills, a physical test?

6 A No.

7 Q Have you done so in the last ten years?

8 A No.

9 Q Turning to Section 162, which deals with
10 transfers from the B Branch to the A Branch, could you
11 tell us what additional requirements there are contained
12 for transfers that are not contained for the person who
13 just applies for the A Branch?

14 A Well, as I said before, they are supposed to
15 have the United Association union dues book for three
16 years and they shall pay the difference in the initiation
17 fee.

18 Q Again he has to pass a satisfactory examination
19 as to his skill and ability, is that correct?

20 A That's right.

21 Q Have you given an examination, written examina-
22 tion in the last ten years?

23 A No.

24 Q Have you given any practical examination in the
25 last ten years?

PLAINTIFF'S EXHIBIT 151 - DEPOSITION OF MULLIGAN

Mulligan

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1 A No.

2 MR. HARRIS: I would like to mark this
3 as Government's Exhibit 2.

4 (Constitution of the Enterprise
5 Association, et cetera, marked
6 Plaintiff's Exhibit 2 for identification as of this date.)

7 Q Mr. Mulligan, the section we were just referring to dealt with transfers from the B Branch to the
8 A Branch, is that correct?

9 A That's right.

10 Q Do the men there write a letter to the union?

11 A In most cases, yes.

12 Q Is that the proper way of proceeding?

13 A That's right.

14 Q How many such letters do you receive on the
15 average a year, approximately?

16 A Well, I'd say in the last year or two the
17 letters have been pretty heavy. I'd say probably 100.

18 Q How many people --

19 MR. SHAW: Could I clarify that?

20 Does that mean 100 a year?

21 THE WITNESS: Yes.

22 MR. SHAW: How many are there on file
23 right now pending?

24 THE WITNESS: Pardon me?
25

PLAINTIFF'S EXHIBIT 151 - DEPOSITION OF MULLIGAN

Mulligan

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2 MR. SHAW: How many are there pending
3 right now?

4 THE WITNESS: I wouldn't know.

5 MR. SHAW: Is it more than 200?

6 THE WITNESS: Oh, yes.

7 MR. SHAW: More than 500?

8 THE WITNESS: I guess --

9 MR. KAISER: Off the record.

10 (Discussion off the record.)

11 MR. SHAW: Do I understand from our
12 colloquy off the record that there are upwards
13 of 500 now pending applications by B local men
14 for A cards?

15 MR. KAISER: That is not what he said.

16 MR. SHAW: Would you say it? How many
17 are there now pending?

18 THE WITNESS: I have no idea.

19 MR. SHAW: You must have some idea,
20 Mr. Mulligan.

21 THE WITNESS: No, I have no idea.

22 MR. KAISER: He said he has no idea.

23 THE WITNESS: I don't count them.

24 MR. SHAW: You are on the committee
25 that reviews them.

PLAINTIFF'S EXHIBIT 151 - DEPOSITION OF MULLIGAN

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Mulligan

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with what his answer is.

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Q In 1966, Mr. Murray testified before the New York City Commission on Human Rights with respect to several non-whites, two of which had been put to work at Foley Square, and I think there were six in all. Some others at Esplanade Gardens at Columbus and 94th.

Are you familiar with that situation?

A In what way?

Q Just that there was some non-whites put to work.

A Oh, yes. I think Esplanade Gardens, if I am not mistaken, was a Sands job.

Q On page 411 of the transcript of the New York City Commission on Human Rights, Mr. Murray was asked this question and gave this answer.

"Q Then, to go back to the men that we discussed earlier this morning, the two at Foley Square, at the Esplanade Gardens on Columbus and 94th, is it fair to say that if their employers said they were competent that they would be admitted automatically without examination?

"A Oh, sure."

Was that a correct statement at the time it was made in 1966?

PLAINTIFF'S EXHIBIT 151 - DEPOSITION OF MULLIGAN

Mulligan

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2 A That's right.

3 Q Is that a fair statement today with respect
4 to admitting members to the A Branch?

5 A I'd say not on all of them.

6 Q In other words, some men even if their
7 employers said they were competent would not be admitted
8 to the A Branch?

9 A Oh, no, no. I think the union would go along
10 with an employer's statement. If the employer stated
11 that they were competent men, we would take them in.

12 Q Is it your testimony that any man who has had
13 five years experience in the pipe fitting industry, is of
14 good moral character and who is working for an employer
15 who will state that he is qualified will be taken in as
16 a member of the A Branch today?

17 A I would not have that authority to say.

18 Q In what way is that statement not correct?

19 MR. KAISER: I think you ought to
20 clarify that, Mr. Harris. I don't think that
21 second question is proper.

22 Mr. Mulligan said he does not have
23 the authority to answer your first question.
24 Then you asked him in what way is that statement
25 incorrect. It does not make sense.

PLAINTIFF'S EXHIBIT 151 - DEPOSITION OF MULLIGAN

Mulligan

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2 What he is saying is he does not have
3 the authority to say these fellows would be taken
4 in, if the employer says they are qualified.

5 MR. HARRIS: Two minutes ago he said
6 that. He said that was a true statement --

7 MR. KAISER: Of what Mr. Murray said
8 today.

9 MR. HARRIS: I asked is that correct
10 today, that procedure, and he said yes.

11 MR. KAISER: I think he qualified it.
12 He does not have the authority to say. He is not
13 the union. He is an officer.

14 MR. HARRIS: He is an officer and
15 he is also the one that screens the applicants.

16 THE WITNESS: But I can't talk for
17 every member of the board.

18 Q So then it is not correct?

19 MR. KAISER: What is not correct?

20 Q In other words, it is not correct that any
21 man who had five years experience in the pipe fitting
22 industry, is of good moral character and whose employer
23 said he was qualified would become a member of the A Branch?

24 MR. KAISER: That's not what the UA
25 constitution says.

PLAINTIFF'S EXHIBIT 151 - DEPOSITION OF MULLIGAN

Mulligan

41

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2 MR. HARRIS: I did not ask that. I
3 asked if that is correct or not correct.

4 MR. KAISER: He said he had no authority
5 to give you that answer, to say that would be --

6 MR. HARRIS: I am a little confused.
7 I am not asking him to sign a statement. I am
8 asking him what the union's policy is and he is
9 an officer of the union. If he does not have
10 authority to state what the policy is, then I
11 don't know who does.

12 THE WITNESS: I know what the policy is.

13 Q What is the policy?

14 A As I said before, pretty nearly anybody
15 that's taken into the union is passed on by Murray, Tracey
16 and myself.

17 Q Mr. Murray indicated -- this is in 1966 -- that
18 if the employer said they were competent, they would be
19 admitted automatically. He said, "Oh, sure."

20 I am asking you how the policy changed.

21 Apparently it is not true any more that the
22 man would be admitted automatically. In what way has it
23 changed?

24 A Maybe him as president, he can say it, but I
25 feel I haven't got the authority to say yes on it.

PLAINTIFFS' EXHIBIT 153 - DEPOSITION OF TRACEY IN 71 Civ. 847

1 jqn

Tracey

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2 A It's a trial body. Everything has to be
3 referred to the membership for approval.

4 Q Everything must be referred to them?

5 A Practically everything, I would say.

6 Q What are some of the things that wouldn't
7 have to be referred to the membership?

8 A I really don't know anything that they
9 wouldn't do that they couldn't execute.

10 Q Are you a member of any other committees
11 of the union itself? Not joint committees but committees
12 of the union.

13 A I am a member of what they call a screening
14 committee but it's not an official capacity.

15 Q Is that the title of the committee, the
16 screening committee?

17 A Yes. It really hasn't been operating.

18 Q What is the function of that committee?

19 A It's supposed to screen members coming in
20 who are recommended by the executive board.

21 Q It would screen applicants for membership,
22 is that right?

23 A Right.

24 Q Who are the members of the committee?

25 A Myself, the president, Thomas Murray, James

PLAINTIFFS' EXHIBIT 153 - DEPOSITION OF TRACEY IN 71 Civ. 847

1 jgh

Tracey

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2 A Some.

3 Q All of these individuals that you are talking
4 about are people transferring from the metal trades
5 branch into the A branch, is that correct?

6 A I can only speak of my own personal knowledge.
7 Some come in with my recommendation and some come in
8 from other local unions with transfers which I am ob-
9 ligated to accept under the constitution of the Inter-
10 national.

11 Q Of the ones that come in with your recommenda-
12 tion are any of those individuals who are not members
13 of the metal trades branch?

14 A Well, they could be, as I say, members of
15 other unions.

16 Q Other than individuals who are members of
17 other locals of the United Association or who are
18 members of the metal trade branch of your union, have
19 you recommended any people for membership?

20 A I am trying to think. You mean recently?

21 Q Since you have been a member of the screening
22 committee.

23 A I told you before that we at times organized
24 shop with union men in them.

25 Q Setting that to one side as well, are there

PLAINTIFFS' EXHIBIT 153 - DEPOSITION OF TRACEY IN 71 Civ. 847

Jqn

Tracey

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2 any individuals other than that that you personally
3 have recommended?

4 A I can't think of it. I may have though. We
5 may put them in the metal trades branch.

6 Q You mean that you might recommend some in-
7 dividuals to become members of the metal trades branch?

8 A Right.

9 Q Have you recommended that anyone become a
10 member of the A branch?

11 A I don't recollect but this could be a possi-
12 bility that I would. If a man came in with outstanding
13 qualifications, I would recommend him.

14 Q The other members of the committee, have they,
15 to your knowledge, admitted any individuals that would
16 be in that category, that is individuals who are not
17 members of another local of the UA, individuals who are
18 not being organized by the union and individuals who
19 are transferring from metal trades branch?

20 A I couldn't answer for the other members
21 of the committee.

22 Q To your knowledge, have they accepted any
23 individuals who would fall in that category?

24 A Not to my knowledge one way or the other.
25 I have no knowledge of what they are doing, to be

PLAINTIFFS' EXHIBIT 153 - DEPOSITION OF TRACEY IN '71 Civ. 847

1 jgh

Tracey

17

2 truthful.

3 Q When you would make a decision as to whether
4 or not to recommend an individual for membership in the
5 A branch, what kind of criteria would you use?

6 A You mean as to his ability and so forth?

7 Q As to anything that you consider to be a
8 criteria for him being a member of the A branch.

9 A You mean that I would recommend?

10 Q Yes.

11 A Naturally, looking him over as a man to start
12 with.

13 Q Looking him over as a man, you mean what,
14 his health?

15 A Character and otherwise, a man I feel that
16 I wouldn't have any comeback on recommending.

17 Q What kind of judgment do you make about his
18 character?

19 A If he looks like a pretty decent person to me.

20 Q Do you inquire into his background?

21 A His life?

22 Q Yes.

23 A No.

24 Q Can you tell me what the purpose of the
25 inquiry into his character is in terms of deciding whether

PLAINTIFFS' EXHIBIT 153 - DEPOSITION OF TRACEY IN 71 Civ. 847

1 jgh

Tracey

18

2 or not he should be a member?

3 A Well, I am talking about naturally a man
4 who applies and discusses with me his wanting to become
5 a steamfitter, that would be the first thing, my idea
6 of his knowledge of the business to start with and, of
7 course, in the labor union you do have certain loyalty
8 to the organization. You don't take a man in the
9 organization you feel is not going to be loyal to you.

10 Q What kind of criteria do you judge whether
11 or not he will be loyal?

12 A In general. I have been dealing with people
13 for years. I have a little knowledge of people.
14 Naturally, a general discussion about his experience
15 in the business would give you a pretty good idea of
16 what type of person he is. I wouldn't jump to the
17 conclusion of condemning anybody but that is a considera-
18 tion.

19 Q His experience in the business --

20 A The first consideration is the man is out with
21 me looking to make a living and if he is looking to
22 make a living I think that is a pretty good reason for
23 giving him consideration.

24 Q Do you make inquiries of him concerning his
25 experience?

PLAINTIFFS' EXHIBIT 153 - DEPOSITION OF TRACEY IN 71 Civ. 847

1 jgh Tracey

19

2 A Yes.

3 Q His work experience?

4 A Right.

5 Q As a steamfitter?

6 A Right.

7 Q What kind of inquiries do you make along
8 that line?

9 A Naturally, he tells me where he has worked
10 as a steamfitter to start with, what type of work he
11 has done and so forth.

12 Q Do you try to find out whether or not he
13 has five years of experience?

14 A Yes, I can call up the people he has told
15 me he worked for or he may have letters.

16 Q Do you check with his previous employers?

17 A - Occasionally, right.

18 Q Do you take his word for it ever?

19 A Well, under certain circumstances. If I
20 have doubts I will check.

21 Q Have you ever checked out the application
22 of a black person in this manner?

23 A I don't know who you are referring to in
24 that particular category. You know the story--

25 Q Let's exclude events occurring since the

PLAINTIFFS' EXHIBIT 153 - DEPOSITION OF TRACEY IN 71 Civ. 847

1 jgn

Tracey

70

2 filing of this lawsuit, late February, 1971.

3 Prior to that time had you ever checked
4 the qualifications of a black person?

5 A I don't think I ever had a black person,
6 to be honest with you.

b3

7 O To your knowledge, had any of the other
8 members of the committee made this kind of inquiry
9 for a black person?

10 A I couldn't speak for the other members
11 of the committee.

12 Q To your knowledge, did any blacks ever
13 attempt to become members through this method of
14 entry while you were a member of the selection com-
15 mittee?

16 A Not to my knowledge.

17 Q In the answers to interrogatories that
18 were provided by the union in this case there is
19 some correspondence concerning applications of some
20 individuals and I would like to ask, if I could,
21 whether or not you are familiar with them.

22 This was attached as Exhibit B to the answers
23 to interrogatories and there is one letter to Mr.
24 James Mulligan from Mr. Robert M. Weitz which refers
25 to the complaints of 16 individuals who were members

PLAINTIFFS' EXHIBIT 153 - DEPOSITION OF TRACEY IN 71 Civ. 847

1 jgh

Tracey

21.

2 of the B branch who attempted to get into the A branch.

3 I show you the letter and ask you if you have
4 ever seen the letter.

5 A I am pretty sure I attended this before the
6 Human Rights Commission. I may have seen it or read it.

7 Q There was a meeting in connection with that
8 letter, is that correct?

9 A I think so, yes.

10 Q You attended the meeting?

11 A Yes, before the Human Rights Commission.

12 Q Do you recall whether the individuals who
13 are listed on the list that apparently was attached
14 to that letter or which list the individuals to whom
15 the letter refers, do you know whether any of those
16 individuals are black? That is, personally.

17 A I don't think I ever met them personally.
18 I think they are.

19 Q Were they admitted as a result of the pro-
20 ceeding with the City Human Rights Commission?

21 A Yes, I would say that.

22 Q Have they been turned down to membership
23 prior to the city proceedings?

24 A I wouldn't have any recollection of that now.

25 Q Another letter that I would like to bring to

PLAINTIFFS' EXHIBIT 153 - DEPOSITION OF TRACEY IN 71 Civ. 847

1 jgh

Tracey

31

2 else had recommended another person?

3 A Right.

4 Q What was your reason for opposing the other
5 person?

6 A No reason, just who came first. I had
7 nothing else against the other people.

8 Q You had gotten your application in first
9 before they had?

10 A The way the thing was explained to me at
11 that particular time, a man told me he had been
12 approved by somebody else and I said that it's all
13 right with me. But subsequently he said he didn't
14 approve him and we had a little conflict.

15 Q Would they always come to you to ask whether
16 or not an individual should be admitted to the union?

17 A No.

18 Q Has anyone ever been admitted that you didn't
19 approve?

20 A I can't answer for that.

21 Q I am sorry.

22 An individual to whom you refused to give
23 approval, has any individual such as that ever been
24 admitted to the union?

25 MR. FLEISHMAN: I object to the form of the

PLAINTIFFS' EXHIBIT 153 - DEPOSITION OF TRACEY IN 71 Civ. 847

1 jgh

Tracey

32

2 question.

3 THE WITNESS: No, I don't --

4 MR. YEAGER: He understood it.

5 MR. FLEISHMAN: That he failed to give approval?

6 Q Anyone that you did not state that you approved,

7 was such a person ever admitted to the union after you

8 became a member of the selection committee?

9 A Whether there was people accepted into the
10 union, you get my point, without my knowledge or without
11 my approval, I can't say.

12 Q But should there have been in the normal
13 course of events?

14 MR. FLEISHMAN: I object to that as speculative.

15 Q Should there have been?

16 A I don't get your point.

17 Q Were you supposed to approve everyone?

18 A No.

19 Q By any rule? Was there any rule required?

20 A No.

21 Q Was there any custom among the membership
22 that would ordinarily mean that they would come to you
23 for your approval?

24 A Not in all the cases.

25 Q But in most cases?

PLAINTIFFS' EXHIBIT 153 - DEPOSITION OF TRACEY IN 71 Civ. 847

1 jsh

Tracey

33

2 A I wouldn't say that either.

3 Q Can you name an individual who was admitted
4 without your approval?

5 A No, I couldn't say that. I don't know.

6 Q Getting back to this policy of admitting
7 five people per month that began in 1953, when did the
8 policy that particularly began in 1953 -- we are talking
9 considering the fact that there are fluctuations in the
10 market and so forth -- when did you stop doing that
11 on the basis of these fluctuations?

12 A I can't answer that question. These things
13 fluctuate maybe within a month or two or maybe a year
14 or so, things of that kind.

15 Q You stated there was a policy of admitting
16 five people per month, didn't you?

17 A That was more or less an aimed at policy.
18 This was the objective, if you could possibly do it,
19 keep a steady transit.

20 Q Were five people per month admitted every
21 month in 1953?

22 A I can't answer that question. It's too far
23 back.

24 Q What was the most recent month in which five
25 people were admitted?

PLAINTIFFS' EXHIBIT 153 - DEPOSITION OF TRACEY IN 71 Civ. 847

jgh

Tracey

34

2 A That hasn't been done for a couple of years
3 on that basis.

4 Q A couple of years is 1969. Were five people
5 per month admitted in 1969?

6 A That hasn't been followed through.

7 Q '68?

8 A That hasn't been functioning that way, I told
9 you that.

10 Q How many people were admitted in 1968 other
11 than through apprenticeship, let's say?

12 A Into the union?

13 Q Yes.

14 A I wouldn't be able to answer that for you.

15 Q How many did you personally approve in 1968?

16 A Well, as an offhand guess I would say about
17 ten possibly.

18 Q How about 1967?

19 A I can't answer that. It's too far back.

20 Q How many did you personally approve in '67?

21 A I have no recollection.

22 Q Have you ever approved an individual that was
23 related to a member of the union?

24 A I would say yes.

25 Q How many of the individuals that you have

PLAINTIFFS' EXHIBIT 153 - DEPOSITION OF TRACEY IN 71 Civ. 847

1 jgh

Tracey

35

2 approved over the course of the years were related to
3 members of the union at the time you approved them?

4 A I would say quite a few.

5 Q Would you say most?

6 A No, I wouldn't say most.

7 Q Exactly half?

8 A I wouldn't give you an exact answer.

9 Q Less than half?

10 A I couldn't give you an exact answer on that.

11 Q Mr. Tracey, you said that you were the
12 business agent at large at the present time for the
13 union?

14 A Right.

15 Q What is your function as the business agent
16 at large?

17 A I am in charge of the business agents.

18 Q Specifically what do you do being in charge
19 of the business agents?

20 A I supervise them.

21 Q What is the work of a business agent?

22 A His job is to enforce the working rules in
23 the trade agreement of the union.

24 Q When you say enforce the working rules, what
25 do you mean by that?

PLAINTIFFS' EXHIBIT 153 - DEPOSITION OF TRACEY IN 71 Civ. 847

1 jch

Tracey

47

2 jobs?

3 A I couldn't say.

4 Q Have you ever encouraged them to visit the
5 job sites frequently?

6 A They do their work. They visit where they
7 are needed to be and they cover the jobs they are
8 supposed to be covering.

9 Q Do the contractors in the steamfitting industry,
10 to your knowledge, use a system of having foremen on the
11 job site who supervise the Steamfitters who are working
12 under their supervision?

13 A You mean they have a foreman on the job?

14 Q Yes.

15 A Yes, sure.

16 Q Do the business agents work with the foremen
17 in terms of performing their function as business agents?

18 MR. FLEISHER: I object to the question,
19 the form of the question particularly.

20 Q Do they talk to the foremen about what is
21 going on in the job site?

22 A If the occasion arises they should, I guess
23 they would.

24 Q Would they normally go to the foremen or
25 would they normally go to someone else on the job site

PLAINTIFFS' EXHIBIT 155 - DEPOSITION OF GOOD

1 camp Good 8

2 you had to deal with requests for men from employers?

3 A Very seldom. Not from an employer. Very
4 seldom. I would say very seldom an employer called
5 me for men. Very, very seldom.

6 Q How do the employers find their men, do you
7 know that?

8 A Usually the foreman or somebody on the job
9 calls then, you know, he knows a guy is out of work,
10 he calls him up.

11 Q You indicated in your prior testimony at
12 the trial that we had, or hearing, that when you were
13 a foreman, you didn't contact business agents for
14 manpower, is that correct?

15 A That is correct.

16 Q And that rather you called people up --

17 A Yes, called up, if I knew a guy that was
18 unemployed or I knew a friend of mine, I would call
19 him up and ask him does he want to go to work or is
20 he working or not.

Q And that is how you would find a man?

22 A That is correct.

23 Q Was it generally the foreman's job to find
the men for the employer?

25 A At the time I worked at it on my job, yes.

PLAINTIFFS' EXHIBIT 170E - DEPOSITION OF SCHLEGEL

1 cmjb Schlegel 4

2 A Five.

3 Q Could you tell us how you were admitted
4 to the apprentice program?

5 A Father wrote letters for years and years
6 and years and then I had to go down for interviews
7 and I was accepted.

8 Q Is your father a steamfitter?

9 A He was. He is dead.

10 Q Was he a member of Local 633?

11 A Yes.

12 Q Was he a member of Local 638 at the time
13 you were admitted to the apprentice program?

14 A Yes.

15 Q Mr. Schlegel, are you now a foreman?

16 A Yes.

17 Q How long have you been a foreman?

18 A Since 1965.

19 Q How many jobs have you held at which
20 you were a foreman?

21 A About eight, maybe nine.

22 Q Approximately how many people have you
23 had working under you in your entire tenure as a
24 foreman?

25 A Several hundred, I would say.

PLAINTIFFS' EXHIBIT 18 - DEPOSITION OF SCHLEGEL

1 cmjb Schlegel 10

2 things as air conditioning work, refrigerator work
3 or --

4 A We are doing all the heating and air
5 conditioning.

6 Q Is welding performed at your present
7 job?

8 A Yes.

9 Q Do all the people on your job perform
10 all of these functions or is it separated in some
11 way?

12 A I guess you'd say it is separated some-
13 what. Not ever body can weld.

14 Q Does everybody do air conditioning
15 work?

16 A It's all, you know, it's the same, it's
17 pipe. It's immaterial to them what goes through it.

18 Q Could you describe what you mean when
19 you say it is immaterial to them what they do?

20 A Well, you know, you put up a piece of
21 paper and whether it is steam or water, you know,
22 it is still the same kind of pipe.

23 Q Are there any men with special skills
24 other than welders on your job?

25 A No, I would guess not.

PLAINTIFFS' EXHIBIT 170H - DEPOSITION OF LEDWITH

1 cag Ledwith 13

2 Q How many people working for you are gradu-
3 ate apprentices?

4 A How many are graduate apprentices?

5 Q Yes.

6 A I'd have to look that up. Six that I can
7 be positive of.

8 Q Do all the people working for you perform
9 more or less the same functions, the same work?

10 A Yes. In fact, I would say -- no, well,
11 now, if you are going to go into welding and fit-
12 ting, some are strictly welders.

13 Q Aside from those people who are welders
14 and work as welders, do the other people do substan-
15 tially the same work?

16 A Yes. Pipe fitters, threading pipe.

17 Q Are the graduate apprentices doing the
18 same work as the other steam fitters?

19 A Yes.

20 Q Are there any men on your job other than
21 welders who perform any special skills that the other
22 people don't have?

23 A Who perform --

24 Q Unique or special things that the other
25 people don't happen to know?

PLAINTIFFS' EXHIBIT 170H - DEPOSITION OF LEDWITH

1 camg Ledwith 20

2 I think they are going to be the best that there
3 is.

4 Q Do you feel it is proper to characterize
5 most of the jobs as installing pipe?

6 A Installing pipe? Well, I don't quite under-
7 stand what you mean.

8 Q Well, could you describe what kind of
9 functions are most prevalent on the job in terms of
10 pipe fitting? What specific types of work do most
11 of the steam fitters do?

12 A Well, coil connections, you now, chilled
13 water coils, pre-heat coils, returns, you know,
14 trap assemblies of the pre-heats and reheat coils.

15 Q Is it basically --

16 A Installing controls-- the CV valves, con-
17 trol valves and pressure reducing valves.

18 Q Is this basically an assembling and
19 installing different kinds of valves, equipment and
20 pipes?

21 A Right, right. It is pipe to and from
22 equipment, exactly what it is.

23 MR. FLEISCHMAN: Off the record.

24 (Discussion off the record.)

25 Q In your experience on the job, has there

PLAINTIFFS' EXHIBIT 172 - DEPOSITION OF DERRYCK

MD

Derryck

14

1 in terms of approximate periods of time, about February
2 and March, and maybe December.

3 Q At this time I would like to show you a copy
4 of a letter addressed to Dr. Myron Johnson, the
5 Stevens Institute of Technology, and it purports to be
6 initialed by you.
7

8 Would you take a look at that, please. It is
9 dated February 6, 1968 (handing to witness.)

10 A Yes.

11 MR. YEAGER: Would you mark this as Plaintiffs'
12 Exhibit A for identification.

XXXX

13 (Two-page letter dated February 6, 1968
14 was marked Plaintiffs Exhibit A for identification.)

15 Q Dr. Derryck, you say you are familiar with
16 the letter?

17 A Yes.

18 Q Did you send this letter to Dr. Johnson?

19 A Yes.

20 Q Referring to the first paragraph of that
21 letter which refers to a conversation of January 17,
22 1968, could you tell me about that conversation,
23 please.

24 A I had had a conversation with Dr. Myron
25 Johnson based upon the results of the exam given

PLAINTIFFS' EXHIBIT 172 - DEPOSITION OF DERRYCK

FD

Derryck

16

2 A Compared to those who did take the exam,
3 and disproportionate in the light of previous exper-
4 ience where individuals had been tutored for examina-
5 tions and had been tested for other unions.

6 Q You mentioned also that you raised a question
7 of cutoff scores with Dr. Johnson?

8 A Yes.

9 Q Will you explain that?

10 A Cutoff scores were determined in each of the
11 categories of the union. I had pointed out to him
12 quite clearly that there had been a previous history,
13 as I mentioned in this letter of 1963, where individuals
14 who did not achieve the so-called required score, with
15 its implications that, therefore, because they did
16 not receive that required score they couldn't possibly
17 succeed in any training program with the unions -- I
18 had pointed out that we had a record and a history of
19 individuals who did not achieve that score, who were
20 working, and so far as we were concerned, and from what
21 we could gather, the work performance of those
22 individuals who had, if I may say, in quotes, failed on
23 the previous exam, was adequate and was satisfactory
24 and that there was really no basis upon which he had
25 established his particular test scores.

PLAINTIFFS' EXHIBIT 172 - DEPOSITION OF DERRYCK

MD

DERRYCK

17

2 Q I believe you also mentioned that you raised
3 a question concerning the validity of the test with
4 Dr. Johnson. Would you explain what you mean by that?

5 A That specifically relates to the whole
6 question of what it is a steamfitter does, what are the
7 critical skills entailed in terms of developing a
8 competent steamfitter, what is the relevance and the
9 relationship of the test items to these critical skills
10 and these critical tasks the person will have to perform
11 on the job.

12 I asked him for information where these
13 tests had been validated, and it was never ever explained
14 to me, even in all my conversations he never provided
15 me with any statistical basis upon which he could
16 justify the tests.

17 Q Did he provide you with such a basis after
18 your conversation on January 17, 1968?

19 A No. Not before or after.

20 Q Did he provide you with such a basis after
21 your letter of February 6, 1968?

22 A He did not.

23 Q The first paragraph of your letter also
24 refers to discussions with Mr. Hopkins, secretary-
25 treasurer of the Mechanical Contractors Association?

PLAINTIFFS' EXHIBIT 172 - DEPOSITION OF DERRYCK

MD

Derryck

27

2 take place?

3 A I have no idea if that meeting took place.

4 Q Were you invited to such a meeting?

5 A I was not invited to such a meeting. I did
6 know -- whether it was in the case of a meeting I do
7 not know, but I do know in terms of my conversations with
8 Dr. Johnson that obviously some conversation had been
9 going on with Mr. Hopkins himself. I can't say for Mr.
10 Hopkins' officers.

11 Q Other than the meetings and telephone conver-
12 sations to which you have referred as occurring prior to
13 this letter, did you personally have any other meetings
14 with persons employed by or members of the governing
15 committee of the Joint Apprenticeship Committee of
16 Local 638, or Local 638, or the Mechanical Contractors
17 Association?

18 A No, none whatsoever.

19 Q Dealing with any subject?

20 A Dealing with any subject.

21 Q In the course of your meeting with Mr. Hopkins,
22 did you recommend any changes in the apprenticeship
23 program once a person became a member of that program?

24 A Once a person became a member of that program?

25 Q Yes.

A-729

PLAINTIFFS' EXHIBIT 218 - CURRICULUM FOR UTILITIESMEN, CLASS A

NAVPER 91992-C

OFFA
COA
CURRICULUM

for

UTILITIESMEN

CLASS A

FILE COPY



COURSE

A-720-0012

Bureau of Naval Personnel

Washington, D. C. 20370

January 1972

EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.

JAN 17 1973

12
218

PLAINTIFFS' EXHIBIT 218 - CURRICULUM FOR UTILITIESMEN, CLASS A

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PLAINTIFFS' EXHIBIT 218 - CURRICULUM FOR UTILITIESMEN, CLASS A

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PLAINTIFFS' EXHIBIT 218 - CURRICULUM FOR UTILITIESMEN, CLASS A

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- * Total Class Periods 139
- * Total Practical Periods 281
- * Total Periods for the Course 420
- Total Weeks for the Course 14
- * Periods herein represent 60 minutes of actual instruction

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PLAINTIFFS' EXHIBIT 219 - MILITARY-CIVILIAN JOB COMPARABILITY MANUAL

MILITARY SPECIALTY AND RELATED CIVILIAN JOBS

<u>MOS TITLE & DEFINITION</u>	<u>HIGHLY RELATED</u>	<u>SUBSTANTIALLY RELATED</u>
<u>Sawyer (57D).</u> Participates in and supervises logging and sawmill operations in falling timber, transporting logs to sawmill, processing logs into lumber, and installing and maintaining sawmill equipment. (on-the-job training)	All-round Logger Lumberjack	Faller Timber Estimator Log Buyer Logging Equipment Mechanic Gang Sawyer
<u>Structures Specialist (51C).</u> Lifts and moves heavy objects, services cargo handling gear, positions and joins heavy beams, fabricating pieces or trusses and other structural assemblies. (8 weeks)	Rigger Structural Steel Worker	Bridgeman Form Sitter Steel Erector Hook & Chain Man Riveter Welder, Structural Repair
<u>UTILITIES</u>		
<u>Electrician (52F).</u> Installs, inspects, and repairs electrical lighting, power systems, and accessories (13 weeks)	Electrical Repairman Electrician	Cable Man Electrician, Construction Lineman Marine Electrician Power Transformer Repairman Electrical Appliance Serviceman
<u>Heating & Ventilation Specialist (51J).</u> Fabricates and repairs sheet metal items of copper, tin, terneplate and metal alloy stock by punching, bending, soldering, riveting, welding, nailing, grooving, and bolting. (8 weeks)	Sheet Metal Worker Heating & Ventilating Man	Air Control Man Exhaust Man Sheet Metal Layout Man Spot Welder Solderer Ventilation Mechanic
<u>High Voltage Electrician (52G).</u> Wires and Maintains high voltage electric transmission systems. (13 weeks)	Electrician Hot-wire Lineman	Cable Splicer Underground Circuit Man Lineman Towerman Steel Post Installer
<u>Plumber (51K).</u> Installs and repairs pipe systems and fixtures for water, hot air, gas, steam, petroleum, compressed air, and waste disposal system. (8 weeks).	Pipefitter Plumber	Gasfitter Steam Fitter Soft Water Serviceman Furnaceman Pump Station Operator

PLAINTIFFS' EXHIBIT 219 - MILITARY-CIVILIAN JOB COMPARABILITY MANUAL

MILITARY SPECIALTY AND RELATED CIVILIAN JOBS

<u>UTILITIES (CONTINUED)</u>	<u>HIGHLY RELATED</u>	<u>SUBSTANTIALLY RELATED</u>
<u>Engineering Entomology Specialist (566XO).</u> Performs work for implementing and evaluating programs for effective control and prevention of plant and animal pest species. (6 weeks)	Vermin Exterminator Termite Treater	Incinerator Operator
<u>Heating Systems Specialist (57XO).</u> Installs, maintains, repairs, and operates heating plants, systems, and equipment. (10 weeks)	Furnaceman Furnace Installation and Repairman	Ventilation Man
<u>Liquid Fuel Systems Maintenance Specialist (546XO).</u> Inspects, repairs, and modifies liquid fuel and oxidizer storage, distribution, and dispensing systems. (10 weeks)	Pipefitter Gas Producer	Gas Dispatcher Plumber
<u>Mechanical Superintendent (54790).</u> Superintends activities engaged in installation, operation, and repair of refrigeration, heating, propellant systems, and cryogenic fluids production. (17 weeks)	Air Conditioning and heating equipment Repair- man. Pipefitter	Plumber Gas Producer Man Gas Plant Operator Ventilation Man
<u>Plumbing Specialist (552X5).</u> Installs and repairs pipe systems, and plumbing fixtures and appurtenances. (19 weeks)	Plumber Pipefitter	Gasfitter Steam Serviceman
<u>Refrigeration and Air Conditioning Specialist (545XO).</u> Installs, modifies, and repairs refrigeration, air conditioning and ventilation equipment and systems. (17 weeks)	Air Conditioning Repairman Refrigeration Mechanic	Ventilation Man
<u>Sanitation Superintendent (56690).</u> Superintends activities engaged in installation, operation, and maintenance of water and waste systems and manages entomology control program. (11 weeks)	Sanitarian Exterminator	Vermin Exterminator Termite Treater
<u>Water and Waste Processing Specialist (563XO).</u> Operates, maintains and repairs water supply, water processing, and waste processing plants and systems. (11 weeks)	Water Treatment Plant Operator Sewage Plant Operator	Watermaster Incinerator Operator Waste Disposal Man

PLAINTIFFS' EXHIBIT 225 - LETTER OF BUREAU OF CENSUS TO
MARILYN WALKS, WITH PORTION OF TABLE 147 FROM FORTH-
COMING SERIES PC(1)-D34, DETAILED CHARACTERISTICS
REPORT FOR N. Y.



U.S. DEPARTMENT OF COMMERCE
Social and Economic Statistics Administration
BUREAU OF THE CENSUS
Washington, D.C. 20233

OFFICE OF THE DIRECTOR

P- ~~111~~ 225
~~111~~

JAN 9 1973

Miss Marilyn Walter
National Employment Law Project
423 W. 118th Street
New York, New York 10027

Dear Miss Walter:

This is in response to your telephone conversation of January 3, 1973 with Mrs. Nellie F. Harris of our staff and your letter of December 21.

Enclosed is a portion of Table 147 from the forthcoming Series PC(1)-D34, Detailed Characteristics report for New York. The table shows years of school completed by persons 16 to 24 years old not enrolled in school by race, sex, and age for the New York, New York Standard Metropolitan Statistical Area (SMSA). The published report is scheduled for publication the first part of March.

As you requested, the enclosed pages have been authenticated by the impression of the seal of the Bureau of the Census.

At the time of the 1970 Census, the New York, New York SMSA was comprised of the following areas:

New York City
Bronx County
Kings County
New York County
Queens County
Richmond County
Nassau County
Rockland County
Suffolk County
Westchester County

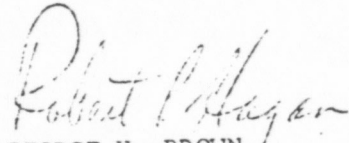
In November 1972 the Office of Management and Budget, Executive Office of the President, announced the establishment of the Nassau-Suffolk New York SMSA, which will in the future delete these two counties from the New York SMSA. However, all of the 1970 data are tabulated for the 1970 New York SMSA.

PLAINTIFFS' EXHIBIT 225 - LETTER OF BUREAU OF CENSUS TO
MARILYN WALKS, WITH PORTION OF TABLE 147 FROM FORTH-
COMING SERIES PC(1)-D34, DETAILED CHARACTERISTICS
REPORT FOR N. Y.

Page 2

The cost of the enclosed pages is \$10.10 and we would appreciate your remittance made payable to "SESA-Commerce." Please return the enclosed copy of this letter with your remittance.

Sincerely,



GEORGE H. BROWN
Director
Bureau of the Census

Enclosures

Table 147. Years of School Completed by Persons 16 to 24 Years Old Not Enrolled in School by Race, Sex, and Age: 1970-Continued

[Data based on sample, see text. For minimum base for derived figures (percent, median, etc.) and meaning of symbols, see II-1.]

The State
Urban and Rural
Standard Metropolitan Statistical
Areas of 250,000 or More

BUFFALO SMSA - Continued

Negro

Total, 16 to 24 years old	9 504	123	4	-	-	7	18	97	173	543	882	1 332	1 360	4 167	338	270	57	117	14	12 1
Male, 16 to 24 years old	4 657	96	-	-	-	7	8	65	127	263	407	611	565	1 610	141	136	14	33	14	11 9
16 years old	143	10	-	-	-	-	-	-	12	31	56	26	8	-	-	-	-	-	-	9 1
17 years old	209	23	-	-	-	-	-	13	4	30	39	41	36	23	-	-	-	-	-	9 9
18 years old	255	4	-	-	-	-	-	-	16	26	30	76	88	112	4	3	-	-	-	1 3
19 years old	482	20	-	-	-	-	-	5	12	18	43	74	50	249	11	-	-	-	-	12 1
20 years old	673	10	-	-	-	-	-	-	16	19	40	65	127	240	35	51	-	-	-	12 1
21 years old	590	13	-	-	-	-	-	5	5	33	65	70	89	240	42	19	4	5	-	12 1
22 years old	548	5	-	-	-	7	-	17	10	37	53	76	65	279	6	34	10	4	-	12 1
23 years old	591	6	-	-	-	-	8	16	-	52	26	93	57	277	25	27	-	10	4	12 1
24 years old	512	5	-	-	-	-	-	14	12	17	55	90	50	220	18	7	-	14	10	12 1
Female, 16 to 24 years old	5 447	29	4	-	-	-	10	32	86	280	475	721	795	2 557	197	134	43	84	-	12 1
16 years old	104	9	-	-	-	-	-	11	6	15	35	27	-	-	-	-	-	-	-	5 1
17 years old	242	-	-	-	-	-	-	-	14	20	67	63	46	37	-	-	-	-	-	10 1
18 years old	482	-	-	-	-	-	-	-	6	25	50	115	90	184	12	-	-	-	-	11 5
19 years old	566	-	-	-	-	-	-	-	-	15	37	48	117	310	26	13	-	-	-	12 2
20 years old	941	-	4	-	-	-	10	17	3	49	89	97	121	475	27	49	-	-	-	12 1
21 years old	819	-	-	-	-	-	-	-	15	34	70	70	85	452	31	45	6	11	-	12 1
22 years old	845	7	-	-	-	-	-	4	12	48	17	78	121	478	34	5	13	28	-	12 1
23 years old	761	13	-	-	-	-	-	-	30	29	70	112	121	305	33	17	15	16	-	12 1
24 years old	688	-	-	-	-	-	-	-	-	45	45	111	94	316	34	5	9	29	-	12 1

NEW YORK SMSA

Total

Total, 16 to 24 years old	868 298	12 501	1 090	1 844	2 868	4 103	7 019	11 408	12 075	34 296	50 648	78 389	87 940	404 212	47 639	45 443	14 529	61 516	16 777	12 4
Male, 16 to 24 years old	359 150	6 614	495	878	1 349	1 802	2 937	4 792	5 969	16 684	25 301	33 464	31 163	147 896	20 592	17 749	6 488	25 695	9 342	12 1
16 years old	8 429	561	19	76	65	70	94	216	369	1 036	1 890	2 020	1 454	524	75	-	-	-	-	9 1
17 years old	13 685	573	27	54	97	86	140	265	451	1 371	2 470	3 216	2 148	2 458	147	12	-	-	-	10 1
18 years old	26 708	646	49	49	133	113	186	315	498	1 503	2 946	3 897	3 465	11 676	949	209	21	-	-	11 5
19 years old	35 835	708	30	79	137	242	354	491	540	1 814	2 697	3 871	3 679	16 491	2 547	1 164	161	66	-	12 1
20 years old	44 125	753	50	123	194	252	461	538	824	1 952	3 462	4 225	4 459	19 921	3 453	2 549	941	311	37	12 1
21 years old	45 632	701	74	147	136	206	343	652	751	1 987	2 731	4 139	3 879	20 146	3 110	3 122	1 181	2 010	317	12 1
22 years old	58 892	913	49	95	215	215	412	803	777	2 298	2 846	3 985	3 866	25 263	3 439	3 417	1 297	7 691	1 195	12 1
23 years old	65 677	840	101	127	229	271	430	894	809	2 348	3 085	4 055	4 169	27 507	3 857	3 656	1 538	8 605	3 165	12 1
24 years old	60 169	899	96	128	143	347	517	817	930	2 333	3 164	4 064	3 814	23 518	3 035	3 460	1 229	7 612	4 624	12 1
Female, 16 to 24 years old	509 148	6 887	595	966	1 519	2 301	4 082	6 616	7 166	17 612	25 347	36 916	36 777	256 216	27 047	27 694	8 051	35 821	7 435	12 4
16 years old	8 754	418	22	44	40	78	143	282	354	820	1 874	2 534	1 338	869	28	-	-	-	-	12 1
17 years old	15 062	542	20	78	111	91	223	391	443	1 166	2 365	2 960	2 471	3 951	210	56	-	-	-	12 1
18 years old	37 349	695	46	66	97	152	229	461	548	1 475	2 447	3 777	3 857	22 645	1 675	371	38	-	-	12 1
19 years old	51 390	736	52	78	187	211	371	558	649	1 766	2 706	3 707	4 308	30 976	3 516	1 171	143	181	-	12 1
20 years old	64 933	925	71	57	176	310	508	844	782	2 085	3 153	4 577	4 966	39 416	4 128	4 231	714	837	37	12 1
21 years old	72 325	588	77	150	178	297	507	730	893	2 285	2 676	4 656	4 814	38 756	4 624	5 129	1 504	3 481	37	12 1
22 years old	85 225	849	85	107	210	344	659	973	1 111	2 676	3 133	4 747	4 864	41 271	4 654	6 787	1 864	10 243	1 271	12 1
23 years old	90 915	871	109	92	264	352	612	1 259	1 074	2 654	3 370	4 956	4 952	43 389	5 097	5 644	1 949	11 771	2 471	12 1
24 years old	81 115	873	114	194	256	446	819	1 146	1 332	2 715	3 431	5 002	5 207	36 601	3 685	4 881	1 729	9 368	3 336	12 1

Negro

Total, 16 to 24 years old	175 368	3 071	193	360	559	898	1 287	2 441	3 487	8 268	14 418	22 380	22 870	79 890	6 054	4 653	1 336	2 575	628	12 1
Male, 16 to 24 years old	72 860	1 418	65	168	266	390	568	1 091	1 471	3 753	6 674	10 267	10 281	30 184	2 411	1 778	642	955	278	12 1
16 years old	2 414	153	-	-	18	16	28	44	102	207	541	647	520	140	5	-	-	-	-	12 1
17 years old	3 854	153	-	-	20	19	40	80	173	379	750	945	674	202	-	-	-	-	-	12 1
18 years old	7 151	184	3	11	35	31	50	70	146	442	906	1 401	1 262	2 419	157	14	-	-	-	12 1
19 years old	8 621	152	-	10	18	22	89	125	138	479	912	1 369	1 416	2 548	294	86	10	16	-	12 1
20 years old	10 370	189	7	32	70	56	129	131	185	452	1 036	1 518	1 665	4 161	373	273	80	9	4	12 1
21 years old	2 415	153	5	28	26	63	72	169	189	372	675	1 165	1 277	4 240	347	376	139	90	30	12 1
22 years old	9 954	131	11	43	31	53	62	184	165	524	590	1 023	1 111	4 885	448	350	118	145	24	12 1
23 years old	10 703	141	23	44	30	80	52	125	209	482	765	1 073	1 194	5 111	393	330	167	341	6	12 1
24 years old	10 326	155	11	-	18	50	46	163	214	421	687	1 124	1 188	4 998	354	329	129	314	121	12 1

Table 147. Years of School Completed by Persons 16 to 24 Years Old Not Enrolled in School by Race, Sex, and Age: 1970-Continued

(Data based on sample, see text. For minimum base for derived figures (percent, median, etc.) and meaning of symbols, see text.)

The State
Urban and Rural
Standard Metropolitan Statistical
Area of 250,000 or More

NEW YORK SMSA - Continued

Negro - Continued

Female, 16 to 24 years old

17	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.00000
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Persons of Puerto Rican Birth or Parentage

Total, 16 to 24 years old

Male, 16 to 24 years old

17	1000000000
18	1000000000
19	1000000000
20	1000000000
21	1000000000
22	1000000000
23	1000000000
24	1000000000

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

KENNETH KENNEDY, being duly sworn,
deposes and says that deponent is not a party to the action,
is over 18 years of age and resides at 1171 Sterling Pl
Brooklyn, N. Y.

That on the 2nd day of March, 1976,
deponent personally served the within SUPPLEMENTAL

APPENDIX
upon the attorneys designated below who represent the
indicated parties in this action and at the addresses below
stated which are those that have been designated by said
attorneys for that purpose.

By leaving 1 ^{copy} true ~~copies~~ of same with a duly
authorized person at their designated office.

~~By depositing true copies of same enclosed~~
~~in a postpaid properly addressed wrapper, in the post office~~
~~or official depository under the exclusive care and custody~~
~~of the United States post office department within the State~~
~~of New York.~~

Names of attorneys served, together with the names
of the clients represented and the attorneys' designated
addresses.

BREED, ABBOTT & MORGAN
Attorneys for Defendant-Appellee Mechanical Contractors
Association of New York, Inc. and Defendant-Appellees
Employer Members, Joint Steamfitting Apprenticeship
Committee
1 Chase Manhattan Plaza
New York, New York 10005

Kenneth E. Kennedy

Sworn to before me this

2nd day of March, 1976.

Michael De Santis

MICHAEL DeSANTIS
Notary Public, State of New York
No. 03-0930908
Qualified in Bronx County
Commission Expires March 30, 1977

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

VINCENT PANZA, being duly sworn,
deposes and says that deponent is not a party to the action,
is over 18 years of age and resides at 202 Ellis Ave.
Bronx, New York

That on the 2nd day of March, 1976,
deponent personally served the within SUPPLEMENTAL
APPENDIX

upon the attorneys designated below who represent the
indicated parties in this action and at the addresses below
stated which are those that have been designated by said
attorneys for that purpose.

By leaving 1 ^{copy} true/~~copies~~ of same with a duly
authorized person at their designated office.

~~By depositing true copies of same enclosed
in a postpaid properly addressed wrapper, in the post office
or official depository under the exclusive care and custody
of the United States post office department within the State
of New York.~~

Names of attorneys served, together with the names
of the clients represented and the attorneys' designated
addresses.

THOMAS J. CHILL
United States Attorney
Attorney for Plaintiff-Appellant,
Equal Employment Opportunity Commission
1 St. Andrews Plaza
New York, New York 10007

Vincent Panza

Sworn to before me this

2nd day of March, 1976

Michael DeSantis
MICHAEL DeSANTIS
Notary Public, State of New York
No. 03-0930908
Qualified in Bronx County
Commission Expires March 30, 1977

2

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

IAN G CAMPBELL, being duly sworn,
deposes and says that deponent is not a party to the action,
is over 18 years of age and resides at 350 W 34
NEW YORK 10001

That on the 1st day of March, 1976,
deponent personally served the within SUPPLEMENTAL
APPENDIX

upon the attorneys designated below who represent the
indicated parties in this action and at the addresses below
stated which are those that have been designated by said
attorneys for that purpose.

By leaving 1 ^{copy} true/copies of same with a duly
authorized person at their designated office.

~~By depositing true copies of same enclosed,
in a postpaid properly addressed wrapper, in the post office
or official depository under the exclusive care and custody
of the United States post office department within the State
of New York.~~

Names of attorneys served, together with the names
of the clients represented and the attorneys' designated
addresses.

MARILYN WALTER
National Employment Law Project
Attorneys for Plaintiffs-Appellants, George Rios, et al
423 West 118th Street
New York, New York 10027

Ian Campbell

Sworn to before me this

1st day of March, 1976.

Michael DeSantis

MICHAEL DeSANTIS
Notary Public, State of New York
No. 03-0930908
Qualified in Bronx County
Commission Expires March 30, 1978

3

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

Scott Alvino, being duly sworn,
deposes and says that deponent is not a party to the action,
is over 18 years of age and resides at 5701 15th Avenue,
Brooklyn, N.Y.

That on the 2nd day of March, 19 76
deponent personally served the within Supplemental Appendix
upon the attorneys designated below who represent the
indicated parties in this action and at the addresses below
stated which are those that have been designated by said
attorneys for that purpose.

By leaving 1 true copies of same with a duly
authorized person at their designated office.

~~By depositing true copies of same enclosed
in a postpaid properly addressed wrapper, in the post office
or official depository under the exclusive care and custody
of the United States post office department within the State
of New York.~~

Names of attorneys served, together with the names
of the clients represented and the attorneys' designated
addresses.

TUFO, JOHNSON & ALLEGAERT
Attorneys for Plaintiffs-Appellants George Rios, et al.
645 Madison Avenue, New York, N.Y. 10022

Scott Alvino

Sworn to before me this

2nd day of March, 1976

Michael DeSantis

MICHAEL DeSANTIS
Notary Public, State of New York
No. 03-0930908
Qualified in Bronx County
Commission Expires March 30, 1977